

DAVIS RUNDE
February 27, 2023

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

CHRISTY J. MATHIS, et al.,

Plaintiff,

-vs-

Case No. 22-cv-47

MOSINEE SCHOOL DISTRICT, et
al.,

Defendants.

Deposition of DAVIS RUNDE

APPEARING REMOTELY FROM

MARATHON COUNTY, WISCONSIN

Monday February 27th, 2023

9:15 a.m.

Reported by: Wendy L. Hanneman, RPR

APPEARING REMOTELY FROM WAUKESHA COUNTY, WISCONSIN

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1 Deposition of DAVIS RUNDE a witness in the

2 above-entitled action, taken at the instance of the

3 Plaintiff, pursuant to Chapter 804 of the Wisconsin

4 Statutes, pursuant to notice, before WENDY L. HANNEMAN,

5 Registered Professional Reporter and Notary Public in

6 and for the State of Wisconsin, on the 27th day of

7 February, 2023, commencing at 9:15 a.m. and concluding

8 at 12:43 p.m.

9

10 REMOTE APPEARANCES:

11 WALCHESKE & LUZI, LLC, by

12 Ms. Kirsten H. Hendra

13 235 North Executive Drive, Suite 240

14 Brookfield, Wisconsin 53005

15 khendra@walcheskeluzi.com

16 Appeared on behalf of the Plaintiff.

17

18 WISCONSIN DEPARTMENT OF JUSTICE, by

19 Ms. Gesina S. Carson

20 PO Box 7857

21 Madison, Wisconsin 53707

22 carsongs@doj.state.wi.us

23 Appeared on behalf of Defendants.

24

25 AXLEY BRYNELSON, LLP, by

Ms. Emilia R. Janisch

2 East Mifflin Street, Suite 200

Madison, Wisconsin 53701

emi.janisch@gmail.com

Appeared on behalf of Defendants.

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1 TRANSCRIPT OF PROCEEDINGS

2 DAVIS RUNDE, called as a witness herein,

3 having been first duly sworn on oath, was examined and

4 testified as follows:

5 E X A M I N A T I O N

6 BY MS. HENDRA:

7 Q All right, good morning, everyone. Good morning,

8 Mr. Runde. My name is Kirsten Hendra, and I

9 represent the Plaintiffs in this matter, Paul and

10 Christy Mathis. I thank you for taking the time

11 today to speak with us about our case, and with

12 that I'm going to get started. Would you please

13 state your full name for the record and spell your

14 last name.

15 A It's Davis Runde, R-U-N-D-E.

16 Q And you'd agree that this deposition is being

17 conducted via Zoom video conference?

18 A Yes.

19 Q And can you state the physical address where you're

20 presently located?

21 A It is 500 Third Street, Suite 800, Wausau,

22 Wisconsin, 54403.

23 Q And is there any specific office that you're

24 presently located in?

25 A I'm located in my office.

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1 REMOTE APPEARANCES (Cont'd):

2 KLINNER KRAMER SHULL, LLP, by

3 Mr. Michael J. Roman

4 210 McClellan Street, Suite 400

5 Wausau, Wisconsin 54402-1386

6 mroman@klinnerkramershull.com

7 Appeared on behalf of Defendant City of Mosinee.

8

9 WIRTH + BAYNARD, S.C., by

10 Ms. Kiley Zellner

11 9898 West Bluemound Road, Suite 2

12 Wauwatosa, Wisconsin 53226

13 kbz@wbattys.com

14 Appeared on behalf of Defendant Officer Krause.

15

16 I N D E X

EXAMINATION	PAGE
17 MS. HENDRA	4, 97
18 MS. ZELLNER	61
19 MR. ROMAN	68

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21 E X H I B I T S

NO.	DESCRIPTION	PAGE IDENTIFIED
17 Exh. 88	Criminal complaint and bond and court hearing transcripts	43
19 Exh. 89	Criminal complaint filed 4/23/2	45
20 Exh. 90	DCI Report Runde Interview	63

21

22 (Exhibits were provided to and marked by the court

23 reporter electronically. Copies attached to all

24 transcripts.)

25

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1 Q All right. And are there any individuals presently

2 in the room with you?

3 A No.

4 Q Okay. And if at any time someone does enter the

5 room or leave the room, will you please just let

6 everyone know?

7 A Yes.

8 Q And if at any time anyone sends you some sort of a

9 written message, whether it be electronic or on

10 paper, will you also please let us know?

11 A Yes.

12 Q And are you aware of any reason today why you'd be

13 unable to fully and completely exercise your

14 memory?

15 A Yes.

16 Q Can you explain what that reason would be?

17 A My understanding is that the information that is

18 going to be discussed today stems from my

19 representation of the State of Wisconsin, and I

20 have an ethical duty to my client, the State of

21 Wisconsin, to respect the attorney-client privilege

22 and communications that occurred in furtherance of

23 my client's interests.

24 Q Okay. So I guess in essence, there's no physical

25 ailment, or illness, or any medications that would

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<p style="text-align: right;">Page 6</p> <p>1 prevent you from exercising your memory today?</p> <p>2 A No.</p> <p>3 Q Okay. All right. And just a couple of things. I</p> <p>4 mentioned earlier that our conversations today will</p> <p>5 be limited to only a few topics, so I don't</p> <p>6 anticipate this deposition going very long. But,</p> <p>7 in any event, if you do need to take any break to</p> <p>8 get water, use the bathroom, stretch your legs,</p> <p>9 whatever it may be, please let us know and we'll be</p> <p>10 able to accommodate that. The only thing I ask is</p> <p>11 that if we have a question that's -- or if I have a</p> <p>12 question that's pending, that you just answer that</p> <p>13 and then you can feel free to take that break. And</p> <p>14 so in your lifetime, have you been known by any</p> <p>15 different name or an alias?</p> <p>16 A No.</p> <p>17 Q And can you provide me with your current street</p> <p>18 address for your primary residence?</p> <p>19 A It is 805 Broadway Avenue, Wausau, Wisconsin,</p> <p>20 54403.</p> <p>21 Q Okay. And do you reside with anyone currently?</p> <p>22 A My wife.</p> <p>23 Q And do you reside with anyone else besides your</p> <p>24 wife?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 8</p> <p>1 duties as an assistant district attorney with the</p> <p>2 Marathon County District Attorney's Office at the</p> <p>3 time of the allegations that led to this complaint,</p> <p>4 Mr. Runde has specific professional</p> <p>5 responsibilities to his client. He has received</p> <p>6 from the Marathon County District Attorney's Office</p> <p>7 and the State of Wisconsin a limited waiver of</p> <p>8 arguably privileged communications between former</p> <p>9 District Attorney Davis Runde and Mosinee School</p> <p>10 Resource Officer Eric Krause for the date of</p> <p>11 April 5th, 2021, only. And other than those</p> <p>12 communications with that officer on that date, he</p> <p>13 is not able to divulge confidential information</p> <p>14 that he obtained with his employment.</p> <p>15 MS. HENDRA: All right, and with that, I</p> <p>16 will continue on. Mike, I think you had something</p> <p>17 you wanted to put on the record, too?</p> <p>18 MR. ROMAN: I don't know if it's more for</p> <p>19 Kiley. Obviously, Mr. Runde, I represent the City</p> <p>20 of Mosinee, which is a Defendant in this case. Our</p> <p>21 position obviously is any statement that the State</p> <p>22 of Wisconsin, or position the State of Wisconsin</p> <p>23 took, or any results of any criminal proceeding,</p> <p>24 aren't necessarily binding as a matter of course</p> <p>25 for a preclusive nature on the City of Mosinee</p>
<p style="text-align: right;">Page 7</p> <p>1 Q No. And have you ever personally given any</p> <p>2 deposition testimony prior to today?</p> <p>3 A No.</p> <p>4 Q And are you familiar with individuals named Christy</p> <p>5 J. Mathis and Paul J. Mathis?</p> <p>6 A I'm familiar with Christy J. Mathis.</p> <p>7 Q Okay. And have you had any occasion to socialize</p> <p>8 with her outside of any professional setting?</p> <p>9 A Not to my knowledge.</p> <p>10 Q Can you explain how you're familiar with her?</p> <p>11 A She was a defendant in Marathon County Criminal</p> <p>12 Circuit Court, and I was a prosecutor involved with</p> <p>13 her case.</p> <p>14 Q Okay. And are you aware that Christy and Paul</p> <p>15 Mathis filed a complaint against the City of</p> <p>16 Mosinee and several other Defendants in the United</p> <p>17 States District Court for the Western District</p> <p>18 Wisconsin?</p> <p>19 A Yes.</p> <p>20 Q And are you able to tell me how you first became</p> <p>21 aware of this complaint being filed?</p> <p>22 MS. CARSON: Can I put the privilege</p> <p>23 waiver on the record, please?</p> <p>24 MS. HENDRA: Yes. Yep.</p> <p>25 MS. CARSON: Because of Mr. Runde's</p>	<p style="text-align: right;">Page 9</p> <p>1 and/or its employees, including Officer Krause.</p> <p>2 I think the purpose of the deposition today</p> <p>3 is to get factual information to the extent the</p> <p>4 Plaintiffs are asserting claims against Officer</p> <p>5 Krause, and by nature, the City of Mosinee,</p> <p>6 regarding a prosecution that ultimately was</p> <p>7 conducted by the State of Wisconsin.</p> <p>8 So there may be questions relating to who</p> <p>9 participated, and those wouldn't necessarily be --</p> <p>10 these are public things relating to, you know, who</p> <p>11 appeared at court hearings, et cetera. But I don't</p> <p>12 believe the intent is to get into any specific</p> <p>13 privileged communications you may have had with --</p> <p>14 with any outside party that's not participating in</p> <p>15 these depositions.</p> <p>16 MS. ZELLNER: And I would just join in</p> <p>17 that statement for Officer Krause, as well.</p> <p>18 MS. HENDRA: Okay.</p> <p>19 BY MS. HENDRA:</p> <p>20 Q All right. And with that, I just -- a couple other</p> <p>21 questions for you on this point, Mr. Runde.</p> <p>22 Can you describe for me what your</p> <p>23 understanding of the nature of the Mathis's lawsuit</p> <p>24 in this litigation is?</p> <p>25 A My understanding is that Ms. Mathis was bringing a</p>

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<p style="text-align: right;">Page 10</p> <p>1 wrongful discrimination claim.</p> <p>2 Q All right.</p> <p>3 A Or, I'm sorry, a wrongful discharge claim.</p> <p>4 Q Okay.</p> <p>5 A I misspoke.</p> <p>6 Q All right. And excluding your attorneys, have you</p> <p>7 shared that understanding of the nature of the</p> <p>8 lawsuit with any individuals?</p> <p>9 A I believe so.</p> <p>10 Q Do you recall who those people would be?</p> <p>11 A Not specifically.</p> <p>12 Q Okay. And do you hold any personal opinions as to</p> <p>13 the merits of Ms. Mathis's lawsuit in this case?</p> <p>14 MR. ROMAN: I'll object to the form and</p> <p>15 foundation.</p> <p>16 MS. CARSON: Join.</p> <p>17 MS. ZELLNER: Join.</p> <p>18 MS. JANISCH: Join.</p> <p>19 BY MS. HENDRA:</p> <p>20 Q All right. And can you explain what those opinions</p> <p>21 are?</p> <p>22 MR. ROMAN: Same objections.</p> <p>23 MS. ZELLNER: Join.</p> <p>24 MS. CARSON: Join.</p> <p>25 MS. JANISCH: Join.</p>	<p style="text-align: right;">Page 12</p> <p>1 anyone to prepare for today's deposition?</p> <p>2 A No.</p> <p>3 Q All right. And outside of your attorneys, did you</p> <p>4 communicate to any individuals that you were</p> <p>5 testifying today at a deposition?</p> <p>6 A Yes.</p> <p>7 Q And who were those individuals?</p> <p>8 A I informed District Attorney Theresa Wetzsteon.</p> <p>9 Deputy District Attorney Anita Lawrence. And I</p> <p>10 should note, Anita Lawrence goes by "Molly." So if</p> <p>11 I refer to "Molly, I'm referring to Anita Lawrence.</p> <p>12 Q Okay.</p> <p>13 A I informed my wife, and I informed my office, Weld</p> <p>14 Riley, S.C., so they would not disturb me during</p> <p>15 this deposition.</p> <p>16 Q Okay. And so I want to touch on some basic facts</p> <p>17 maybe about you, and I'm going to start with just</p> <p>18 your education. So can you describe to me any</p> <p>19 post-high school education that you've obtained?</p> <p>20 A Would you like degrees, or specific institutions?</p> <p>21 Q Both. If we could start then maybe with college</p> <p>22 and make our way up.</p> <p>23 A I attended the University of Eau Claire --</p> <p>24 University of Wisconsin-Eau Claire for my freshman</p> <p>25 year of undergraduate. I transferred to the</p>
<p style="text-align: right;">Page 11</p> <p>1 THE WITNESS: My opinions stem from</p> <p>2 the -- my involvement in the criminal prosecution,</p> <p>3 and my personal opinion, or I guess my professional</p> <p>4 opinion that the case brought against Ms. Mathis in</p> <p>5 Marathon County Criminal Circuit Court carried a</p> <p>6 level of probable cause.</p> <p>7 BY MS. HENDRA:</p> <p>8 Q Okay, and I think since you're sitting here today,</p> <p>9 it's fair to assume that you were notified that the</p> <p>10 Mathises intended to take your deposition for this</p> <p>11 matter, correct?</p> <p>12 A Yes.</p> <p>13 Q And are you able to explain to me what you did, if</p> <p>14 anything, to prepare for your deposition testimony</p> <p>15 today? And that's outside of speaking -- or</p> <p>16 communications you might have had with your</p> <p>17 attorneys?</p> <p>18 A I reviewed the amended criminal complaint filed in</p> <p>19 this matter. I reviewed a number of exhibits that</p> <p>20 were provided last night. I reviewed the</p> <p>21 transcript of the probable cause hearing that</p> <p>22 occurred in Marathon County, I believe on</p> <p>23 April 6th, 2021. And I reviewed the filed criminal</p> <p>24 complaint.</p> <p>25 Q And outside of your attorneys, did you speak with</p>	<p style="text-align: right;">Page 13</p> <p>1 University of Wisconsin-Madison where I graduated</p> <p>2 from in 2013 with a bachelor's of arts in legal</p> <p>3 studies. In 2014 I enrolled at Hamline University</p> <p>4 School of Law. I transferred after my first year</p> <p>5 of law school to the University of Wisconsin Law</p> <p>6 School, and I graduated with a J.D. in 2017.</p> <p>7 Q Okay. And following your graduation from the</p> <p>8 University of Wisconsin Law School, did you obtain</p> <p>9 employment?</p> <p>10 A Yes.</p> <p>11 Q And was that immediately following your graduation</p> <p>12 from the -- from the law school?</p> <p>13 A Essentially, yes.</p> <p>14 Q Okay. And where was your -- or who was your first</p> <p>15 employer following your graduation from law school?</p> <p>16 A The Marathon County District Attorney's Office.</p> <p>17 Q Okay. And what -- do you recall approximately what</p> <p>18 dates you worked there?</p> <p>19 A Yes.</p> <p>20 Q And what are those dates?</p> <p>21 A I was employed with the Marathon County District</p> <p>22 Attorney's Office from June 2017 to early</p> <p>23 September 2018. In 2018 I left the District</p> <p>24 Attorney's office. I returned to the District</p> <p>25 Attorney's office July of 2019, and I continued</p>

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<p style="text-align: right;">Page 14</p> <p>1 working at the Marathon County District Attorney's</p> <p>2 Office until August of 2022.</p> <p>3 Q Okay. And do you recall why you left the Marathon</p> <p>4 County District Attorney's Office, would it be fair</p> <p>5 to call it the first -- the first time?</p> <p>6 A Yes. I left in 2018 as I moved to Spain.</p> <p>7 Q Oh, okay. And would it be fair to say that when</p> <p>8 you returned from Spain, you resumed your</p> <p>9 employment at the Marathon County District</p> <p>10 Attorney's Office?</p> <p>11 A Yes.</p> <p>12 Q Okay. And while you were working at the Marathon</p> <p>13 County District Attorney's Office, what was the</p> <p>14 title of your position?</p> <p>15 A Assistant district attorney. At one point I was</p> <p>16 the interim deputy district attorney.</p> <p>17 Q Okay. And can you explain to me the dates where</p> <p>18 that transition from assistant district attorney</p> <p>19 occurred into the deputy district attorney?</p> <p>20 A I believe March 16th, 2020, is when I became</p> <p>21 interim deputy district attorney. And I held that</p> <p>22 position until I believe May of 2020.</p> <p>23 Q Okay. Do you recall the circumstances that caused</p> <p>24 you to transition from the assistant district</p> <p>25 attorney to the interim deputy district attorney?</p>	<p style="text-align: right;">Page 16</p> <p>1 reports, providing discovery, issuing charges,</p> <p>2 appearing in court, filing motions, arguing</p> <p>3 motions, and conducting jury trials.</p> <p>4 Q And were there -- I understand the district</p> <p>5 attorney is responsible for prosecuting a variety</p> <p>6 of different criminal cases; is that right?</p> <p>7 A Yes.</p> <p>8 Q And were there any specific types of criminal cases</p> <p>9 that you were responsible for prosecuting in your</p> <p>10 capacity as the assistant district attorney?</p> <p>11 A Yes, I carried a specialty caseload of sexual</p> <p>12 assaults and domestic abuse cases.</p> <p>13 Q And are those types of cases the types -- the types</p> <p>14 of cases that a new assistant district attorney</p> <p>15 would take on upon entering their employment, or is</p> <p>16 that something that a more experienced district</p> <p>17 attorney would take on?</p> <p>18 MR. ROMAN: Well, I'll object to form and</p> <p>19 foundation. What time do you specifically mean?</p> <p>20 BY MS. HENDRA:</p> <p>21 Q I guess I'll back up. I'm trying to establish the</p> <p>22 timeline upon which district attorneys would take</p> <p>23 on different types of cases in terms of maybe</p> <p>24 severity, or of the charges, or, you know, things</p> <p>25 of that nature. And I'm wondering if you started</p>
<p style="text-align: right;">Page 15</p> <p>1 A The deputy district attorney was on maternity</p> <p>2 leave.</p> <p>3 Q Okay. So, and following her return from maternity</p> <p>4 leave, you resumed your responsibilities as the</p> <p>5 assistant district attorney, correct?</p> <p>6 A There were two individuals, myself and Assistant</p> <p>7 District Attorney Kerri Puig, who assumed the role</p> <p>8 of interim deputy district attorney. And we split</p> <p>9 that time of the deputy's maternity leave.</p> <p>10 So in May of 2020, Kerri Puig became</p> <p>11 interim deputy district attorney. And upon the</p> <p>12 deputy's return, Kerri Puig went back to being an</p> <p>13 assistant district attorney.</p> <p>14 Q Okay. And when you were working at the District</p> <p>15 Attorney's office, do you recall how many assistant</p> <p>16 district attorneys were employed there?</p> <p>17 A That number changed over time. I believe it ranged</p> <p>18 from 10 to 12.</p> <p>19 Q All right. And in your capacity as assistant</p> <p>20 district attorney, are you able to provide me what</p> <p>21 your primary responsibilities were?</p> <p>22 A My primary responsibilities were to represent the</p> <p>23 State of Wisconsin and the County of Marathon in</p> <p>24 the prosecutions of possible criminal acts, or</p> <p>25 ordinance violations that involved reviewing</p>	<p style="text-align: right;">Page 17</p> <p>1 working on sexual assault cases, for example,</p> <p>2 immediately upon entering your employment, or if</p> <p>3 that's something that you would take on with more</p> <p>4 experience.</p> <p>5 So with that, are -- I'll back up. When</p> <p>6 you first started your employment at the assistant</p> <p>7 -- or, excuse me, at the District Attorney's office</p> <p>8 as an assistant district attorney, were you</p> <p>9 initially working on sexual assault cases?</p> <p>10 A I do not believe so.</p> <p>11 Q Okay. Would it be fair to say that as assistant</p> <p>12 district attorneys gain more experience, they would</p> <p>13 be responsible for handling cases like sexual</p> <p>14 assault?</p> <p>15 A I think that depends on the office.</p> <p>16 Q Okay. How does the Marathon County District</p> <p>17 Attorney's Office then distribute various types of</p> <p>18 cases to its assistant district attorneys?</p> <p>19 MR. ROMAN: I would object as to form as</p> <p>20 to time. If you're talking -- I mean, he was there</p> <p>21 for quite a few years, so I don't know if there was</p> <p>22 a change over time.</p> <p>23 BY MS. HENDRA:</p> <p>24 Q Sure. I'll rephrase, if that works. Is there a</p> <p>25 process that you're aware of that the Marathon</p>

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<p style="text-align: right;">Page 18</p> <p>1 County District Attorney's Office undertakes when</p> <p>2 determining what sorts of cases each assistant</p> <p>3 district attorney is responsible for handling?</p> <p>4 A I do not believe there's a specific process.</p> <p>5 Q Okay. And you mentioned before that you, in your</p> <p>6 capacity as the assistant district attorney at</p> <p>7 Marathon County, were -- one of your</p> <p>8 responsibilities was issuing charges; is that</p> <p>9 right?</p> <p>10 A Yes.</p> <p>11 Q Can you explain to me what, generally speaking, the</p> <p>12 process is by which an assistant district attorney</p> <p>13 would undertake in issuing a charge?</p> <p>14 A Generally a file would be opened by support staff</p> <p>15 that included the reports support staff received</p> <p>16 from the law enforcement agency. That file would</p> <p>17 be distributed to one of the several attorneys in</p> <p>18 the office for review. If it was a specialty file,</p> <p>19 it would be distributed to the specialty attorneys</p> <p>20 associated with that specialty. If a file came to</p> <p>21 me, I would review the written reports. If within</p> <p>22 those written reports I felt it was necessary to</p> <p>23 review additional evidence such as photographic or</p> <p>24 video evidence, I would do that.</p> <p>25 Generally, though, I would be reviewing the</p>	<p style="text-align: right;">Page 20</p> <p>1 specifics of this case?</p> <p>2 MS. HENDRA: This is general. And I'll</p> <p>3 explain when we're getting into the specifics of</p> <p>4 our case.</p> <p>5 BY MS. HENDRA:</p> <p>6 Q This is still generally speaking when you mentioned</p> <p>7 you receive and review written reports, whose</p> <p>8 written reports are you referring to?</p> <p>9 A The written reports I'm referring to are officers'</p> <p>10 written reports.</p> <p>11 Q Okay. And so in your capacity as the assistant</p> <p>12 district attorney for the Marathon County District</p> <p>13 Attorney's Office, generally speaking, can you</p> <p>14 describe to me the extent of your individual</p> <p>15 authority to issue charges?</p> <p>16 MR. ROMAN: I guess I'll object to form.</p> <p>17 When you say "issuing charges," are you talking</p> <p>18 about filing a criminal complaint, or are you</p> <p>19 talking broader than that?</p> <p>20 MS. HENDRA: Broader. Because earlier</p> <p>21 Mr. Runde said one of his primary responsibilities</p> <p>22 is issuing charges. So I just want to break that</p> <p>23 up a little bit and just establish or learn what</p> <p>24 the extent of his individual authority is in</p> <p>25 issuing a particular charge, generally speaking.</p>
<p style="text-align: right;">Page 19</p> <p>1 written reports and determining if based on those</p> <p>2 written reports, there was probable cause for a</p> <p>3 crime to be charged. However, there's also the</p> <p>4 ethical consideration of charges of, um, whether</p> <p>5 the charge could be proved beyond a reasonable</p> <p>6 doubt. That was another consideration generally we</p> <p>7 would take into consideration at the time of</p> <p>8 charging.</p> <p>9 Q And a couple things that you mentioned there that I</p> <p>10 want to get a little more information on. You</p> <p>11 mentioned a, and correct me if I'm using -- if I am</p> <p>12 misstating the term, a specialty case; is that</p> <p>13 right?</p> <p>14 A Correct.</p> <p>15 Q What is that?</p> <p>16 A By specialty case I mean a sexual assault, a</p> <p>17 domestic abuse case, a drug trafficking case, or an</p> <p>18 OWI, or a juvenile.</p> <p>19 Q Okay. And you also mentioned that you'd receive</p> <p>20 and review written reports, right?</p> <p>21 A Yes.</p> <p>22 Q Can you explain to me who you would receive those</p> <p>23 reports from?</p> <p>24 MR. ROMAN: Object to form. Are you</p> <p>25 talking in general now? We're not talking the</p>	<p style="text-align: right;">Page 21</p> <p>1 THE WITNESS: Generally speaking, when a</p> <p>2 -- when a case is referred by a law enforcement</p> <p>3 agency, they generally are referring the case for a</p> <p>4 specific charge. It is the attorney's</p> <p>5 responsibility, however, to review the reports and</p> <p>6 determine which if any criminal charges are</p> <p>7 appropriate based on that information. Generally</p> <p>8 speaking, that is what I would do. As an assistant</p> <p>9 district attorney in Marathon County, I had</p> <p>10 relatively wide discretion in which charges I</p> <p>11 believed were appropriate.</p> <p>12 BY MS. HENDRA:</p> <p>13 Q Okay. And, again, generally speaking, are you able</p> <p>14 to quantify the amount of time it took upon</p> <p>15 receiving the referral from a law enforcement</p> <p>16 officer to issuing a formal charge against a</p> <p>17 Defendant?</p> <p>18 MR. ROMAN: Again, object to form. When</p> <p>19 you mean "issue a formal charge," do you mean</p> <p>20 filing a criminal complaint, issuing arrest</p> <p>21 warrant, what are you referring to?</p> <p>22 MS. HENDRA: I'm not referring to an</p> <p>23 arrest warrant or filing the complaint. I guess --</p> <p>24 well, you know what, I will -- I'll specify more.</p> <p>25 I am -- I'm referring to issuing an arrest warrant,</p>

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<p style="text-align: right;">Page 22</p> <p>1 or directing that an arrest be made.</p> <p>2 MR. ROMAN: Well, again, object to form.</p> <p>3 There are different aspects of it.</p> <p>4 BY MS. HENDRA:</p> <p>5 Q Okay, how about generally speaking, are you able to</p> <p>6 quantify the time it would typically take for you</p> <p>7 to receive the referral from -- a referral from a</p> <p>8 law enforcement officer to directing that an arrest</p> <p>9 be made?</p> <p>10 A Generally we did not direct that arrests be made.</p> <p>11 So generally arrests were already made and we were</p> <p>12 reviewing reports stemming from that arrest.</p> <p>13 Q Okay. All right. And right, now you're currently</p> <p>14 employed at the law firm Weld Riley, right?</p> <p>15 A Yes.</p> <p>16 Q And when did you start your employment there?</p> <p>17 A August 1st, 2022.</p> <p>18 Q And when -- excuse me. Do you recall why you left</p> <p>19 the Marathon County District Attorney's Office and</p> <p>20 began working at Weld Riley?</p> <p>21 A I wanted to leave criminal prosecution.</p> <p>22 Q And with that, what type of law are you currently</p> <p>23 practicing at Weld Riley?</p> <p>24 A Generally I am working on municipal law, school</p> <p>25 law, business law, and cooperative law.</p>	<p style="text-align: right;">Page 24</p> <p>1 five-minute break. Just, this would be a good time</p> <p>2 to, otherwise I can keep going.</p> <p>3 MR. ROMAN: Why don't we just take a</p> <p>4 brief break.</p> <p>5 MS. HENDRA: Yeah, so it's 9:50. Can we</p> <p>6 come back at 9:55?</p> <p>7 MR. ROMAN: Is that okay with everybody?</p> <p>8 MS. ZELLNER: Yes.</p> <p>9 MS. HENDRA: All right. We'll go off the</p> <p>10 record.</p> <p>11 (Short recess taken.)</p> <p>12 BY MS. HENDRA:</p> <p>13 Q So I want to turn your attention to April 5th of</p> <p>14 2021. And on April 5th of 2021, you were employed</p> <p>15 by the Marathon County District Attorney's Office</p> <p>16 as an assistant district attorney, correct?</p> <p>17 A Yes.</p> <p>18 Q And were you working on that specific day?</p> <p>19 A Yes.</p> <p>20 Q And on that -- on the morning of April 5th of 2021,</p> <p>21 did you receive a call from an individual named</p> <p>22 Officer Eric Krause?</p> <p>23 A I spoke with Officer Eric Krause that morning, yes.</p> <p>24 Q Okay. And can you explain to me the circumstances</p> <p>25 of that phone call?</p>
<p style="text-align: right;">Page 23</p> <p>1 Q And what is your position at Weld Riley?</p> <p>2 A I'm an associate.</p> <p>3 Q And can you explain to me what your primary</p> <p>4 responsibilities are in your new role as an</p> <p>5 associate at Weld Riley?</p> <p>6 A Not with great specificity.</p> <p>7 Q Would you agree that -- well, is there any overlap</p> <p>8 in terms of responsibilities that you had at the</p> <p>9 Assistant District Attorney's Office with your</p> <p>10 position now at Weld Riley?</p> <p>11 A Yes.</p> <p>12 Q And what are those responsibilities that overlap</p> <p>13 between the two positions?</p> <p>14 A For example, if there were maybe a litigation</p> <p>15 matter that one of Weld Riley's clients were</p> <p>16 involved in, I may have to appear in court, file</p> <p>17 motions, file complaints. Generally any litigation</p> <p>18 responsibility that I have to meet at Weld Riley</p> <p>19 would be an overlap with my general</p> <p>20 responsibilities as an assistant district attorney,</p> <p>21 aside from making determinations about criminal</p> <p>22 behavior.</p> <p>23 Q Okay. So with that, I want to transition into the</p> <p>24 specifics of this case. And I'm not sure if now,</p> <p>25 or if now anyone would like to take maybe a</p>	<p style="text-align: right;">Page 25</p> <p>1 A The circumstances as he relayed them to me?</p> <p>2 Q Yes. Or, I'll back up. Can you explain to me, so</p> <p>3 did Officer Krause call your office and speak with</p> <p>4 you?</p> <p>5 MR. ROMAN: I will object to foundation,</p> <p>6 but go ahead.</p> <p>7 THE WITNESS: I believe he initiated a</p> <p>8 call to the District Attorney's office.</p> <p>9 BY MS. HENDRA:</p> <p>10 Q Okay. And do you recall the circumstances by which</p> <p>11 that caused Officer Krause to contact the assistant</p> <p>12 -- or, excuse me, the District Attorney's office?</p> <p>13 MS. ZELLNER: Object to form.</p> <p>14 MR. ROMAN: I'll join.</p> <p>15 MS. JANISCH: Join.</p> <p>16 THE WITNESS: As I know the</p> <p>17 circumstances, or became aware of the</p> <p>18 circumstances, he was calling for assistance in an</p> <p>19 investigation that he was conducting.</p> <p>20 BY MS. HENDRA:</p> <p>21 Q And what investigation are you referring to?</p> <p>22 A The investigation into Christy Mathis.</p> <p>23 MR. ROMAN: Can we just briefly go off</p> <p>24 the record?</p> <p>25 MS. HENDRA: Yes.</p>

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<p style="text-align: right;">Page 26</p> <p>1 (Off-the-record discussion held.)</p> <p>2 BY MS. HENDRA:</p> <p>3 Q Mr. Runde, I'm actually going to back up a little</p> <p>4 bit to lay more foundation with this line of</p> <p>5 questioning.</p> <p>6 So you previously were telling me about --</p> <p>7 that Officer Eric Krause initiated a phone call to</p> <p>8 the District Attorney's office, right, on April 5th</p> <p>9 of 2021?</p> <p>10 A To my knowledge, yes.</p> <p>11 Q And that was the morning -- in some morning hours</p> <p>12 of that day, right?</p> <p>13 A Yes.</p> <p>14 Q And as a result of him contacting the District</p> <p>15 Attorney's office by phone that morning, you had --</p> <p>16 you were the individual who spoke with him over the</p> <p>17 phone, correct?</p> <p>18 A Yes.</p> <p>19 Q And can you explain to me why, or I guess you</p> <p>20 already explained to me why the circumstances in</p> <p>21 which Mr. -- or Officer Krause contacted you. Are</p> <p>22 you able to recall how long that phone conversation</p> <p>23 lasted?</p> <p>24 A Not with specificity. Could -- would you -- would</p> <p>25 it be fair to say that that phone conversation</p>	<p style="text-align: right;">Page 28</p> <p>1 -- and I believe he told me the age of the student,</p> <p>2 and I believe he may have also indicated that</p> <p>3 additional students witnessed the allegation or the</p> <p>4 alleged act.</p> <p>5 Q All right. And during that conversation with</p> <p>6 Officer Krause, was -- in addition to verbal</p> <p>7 exchanges of information, was there the exchange of</p> <p>8 any documents or materials that occurred at the</p> <p>9 time of that phone call?</p> <p>10 A Not to my recollection.</p> <p>11 Q And do you -- so at that point -- at what point,</p> <p>12 then -- or, actually, I'll back up.</p> <p>13 After Officer Krause provided you with all</p> <p>14 of that information, what did you do next over the</p> <p>15 phone call with him, or during the phone call with</p> <p>16 him?</p> <p>17 A I informed him, based on the information he was</p> <p>18 providing me, a possible charge was available.</p> <p>19 Q And what was that possible charge?</p> <p>20 A First degree sexual assault of a child under the</p> <p>21 age of 13.</p> <p>22 Q Okay. And I wanted to break that up just a little</p> <p>23 bit with a few questions. So earlier you explained</p> <p>24 to me very generally what information you consider</p> <p>25 when deciding to charge an individual with a crime,</p>
<p style="text-align: right;">Page 27</p> <p>1 lasted less than 20 minutes?</p> <p>2 MR. ROMAN: Object to form and</p> <p>3 foundation.</p> <p>4 MS. ZELLNER: Join.</p> <p>5 MS. JANISCH: Join.</p> <p>6 THE WITNESS: I believe it did.</p> <p>7 BY MS. HENDRA:</p> <p>8 Q Okay. And, again, I'm just trying to gauge a</p> <p>9 timeline here. So are you able to walk me through</p> <p>10 the conversation that took place over that</p> <p>11 telephone call?</p> <p>12 A To my recollection, I was on the phone with Officer</p> <p>13 Krause in response to his call with the District</p> <p>14 Attorney's office. He explained to me that there</p> <p>15 was an allegation that a teacher had</p> <p>16 inappropriately touched a student, and he wanted to</p> <p>17 know what type of criminal charge, if any, was</p> <p>18 available based on the information he was providing</p> <p>19 me.</p> <p>20 Q And so what information, then, was he providing you</p> <p>21 at that time?</p> <p>22 A To my recollection, he informed me that two weeks</p> <p>23 prior to that morning, a student came forward and</p> <p>24 made an allegation that they were inappropriately</p> <p>25 touched on their buttocks. And I believe at that</p>	<p style="text-align: right;">Page 29</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q And now I want to focus your attention on charging</p> <p>4 Ms. Mathis with first degree sexual assault of a</p> <p>5 minor under the age of 13. Are you able to walk me</p> <p>6 through your decision to recommend that charge?</p> <p>7 MS. CARSON: I'm going to object to the</p> <p>8 question that it calls for anything outside of the</p> <p>9 scope of his communications with Krause on August</p> <p>10 -- or April 5th of 2021.</p> <p>11 MS. HENDRA: Okay, and with that, any</p> <p>12 information that you can remember that does not</p> <p>13 involve what your -- your attorney's objection.</p> <p>14 THE WITNESS: I want to make sure I</p> <p>15 understand your question. Is your question</p> <p>16 premised on a supposed fact that I charged</p> <p>17 Ms. Mathis at that point of my phone call with</p> <p>18 Officer Krause?</p> <p>19 BY MS. HENDRA:</p> <p>20 Q Yeah, I think that's a fair -- a fair way to</p> <p>21 describe it.</p> <p>22 A I did not charge her.</p> <p>23 Q Okay. At what point was she charged?</p> <p>24 A I believe it was in late April.</p> <p>25 Q Okay. So --</p>

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<p style="text-align: right;">Page 30</p> <p>1 MR. ROMAN: And just to be clear, when</p> <p>2 you say "charged," that means the issuance of the</p> <p>3 criminal complaint?</p> <p>4 MS. HENDRA: Yes.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MS. HENDRA:</p> <p>7 Q Okay. So earlier you said that you explained to</p> <p>8 Officer Krause that this would be a situation that</p> <p>9 would call for a charge of first degree sexual</p> <p>10 assault of a minor under the age of 13, correct?</p> <p>11 A Yes.</p> <p>12 Q And do you recall what Officer Krause's response</p> <p>13 was to -- to you saying that?</p> <p>14 A Specifically, no.</p> <p>15 Q Okay. Would -- when Officer Krause testified in</p> <p>16 this matter, he explained that -- he explained that</p> <p>17 he -- and this is without trying to misstate his</p> <p>18 testimony, that he was a little surprised by that</p> <p>19 first degree sexual assault of a minor charge.</p> <p>20 Would that be fair to say based off of your</p> <p>21 communications with him during that April 5th phone</p> <p>22 call?</p> <p>23 MS. ZELLNER: Object to form. Sorry.</p> <p>24 MR. ROMAN: I'll join.</p> <p>25 MS. JANISCH: Join.</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Okay. And with that, I am wondering, are you able</p> <p>2 to explain to me what first degree sexual assault</p> <p>3 of a minor means under Wisconsin law?</p> <p>4 A There are I believe five subsections of that</p> <p>5 criminal charge. If my memory serves me correctly,</p> <p>6 in this conversation with Officer Krause, I was</p> <p>7 concerned with Subsection E of the statute, which,</p> <p>8 again, to my recollection, criminalizes sexual</p> <p>9 intercourse or sexual contact with a child under</p> <p>10 the age of 13.</p> <p>11 Sexual contact is defined as I believe</p> <p>12 intentionally contacting the intimate part of</p> <p>13 another, and that other is a person under the age</p> <p>14 of 13. And intimate part is defined among other</p> <p>15 things as a buttocks. And the contact also has to</p> <p>16 be for the purposes of sexual gratification or</p> <p>17 sexual humiliation.</p> <p>18 Q And in your personal opinion, would you say that</p> <p>19 first degree sexual assault of a minor is a very</p> <p>20 serious charge?</p> <p>21 MR. ROMAN: Object to form.</p> <p>22 MS. ZELLNER: I'll join.</p> <p>23 MS. JANISCH: Join.</p> <p>24 THE WITNESS: Yes.</p> <p>25</p>
<p style="text-align: right;">Page 31</p> <p>1 THE WITNESS: Yes.</p> <p>2 BY MS. HENDRA:</p> <p>3 Q And why would that be a fair characterization of</p> <p>4 his response?</p> <p>5 A In my conversation with Officer Krause, at some</p> <p>6 point he expressed to me that he thought a possible</p> <p>7 available charge would have been disorderly conduct</p> <p>8 or fourth degree sexual assault.</p> <p>9 Q And did he explain why he was making that</p> <p>10 recommendation?</p> <p>11 MR. ROMAN: Object to the form. I don't</p> <p>12 believe he testified he made a recommendation.</p> <p>13 BY MS. HENDRA:</p> <p>14 Q And I can use a different word. Did he explain why</p> <p>15 he thought that those charges might be more</p> <p>16 appropriate?</p> <p>17 A He did not express to me that he believed those</p> <p>18 charges were more appropriate.</p> <p>19 Q Then what did he express to you in providing those</p> <p>20 two charges as available charges, given the</p> <p>21 circumstances?</p> <p>22 A He did not understand that the information that he</p> <p>23 was providing me raised or met the elements of a</p> <p>24 first degree sexual assault of a child under the</p> <p>25 age of 13.</p>	<p style="text-align: right;">Page 33</p> <p>1 BY MS. HENDRA:</p> <p>2 Q Would you agree that this charge could greatly</p> <p>3 impact the accused individual's life?</p> <p>4 MR. ROMAN: Object to form and</p> <p>5 foundation.</p> <p>6 MS. ZELLNER: I'll join.</p> <p>7 MS. JANISCH: Join.</p> <p>8 THE WITNESS: I may have misheard you.</p> <p>9 Did you specifically say "the accused," or did you</p> <p>10 say anybody?</p> <p>11 BY MS. HENDRA:</p> <p>12 Q I'll say anybody, I'll make it more general.</p> <p>13 A Generally, yes.</p> <p>14 Q And -- and I just want to confirm that the</p> <p>15 information that you relied upon in determining</p> <p>16 that -- determining that this matter was, or,</p> <p>17 excuse me, that Ms. Mathis should be charged with</p> <p>18 first degree sexual assault of a minor was based</p> <p>19 off only the information that Officer Krause was</p> <p>20 verbally explaining to you over the phone on</p> <p>21 April 5th?</p> <p>22 MR. ROMAN: I'll just object to the form.</p> <p>23 Are you talking about that decision that day, or</p> <p>24 that discussion that day, not later?</p> <p>25 MS. HENDRA: That day. We're only on</p>

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<p style="text-align: right;">Page 34</p> <p>1 that day at this point.</p> <p>2 THE WITNESS: My -- or the information I</p> <p>3 gave to Officer Krause that an available charge</p> <p>4 would be first degree sexual assault of a child</p> <p>5 under the age of 13 was based on the information he</p> <p>6 provided me over the phone that morning.</p> <p>7 BY MS. HENDRA:</p> <p>8 Q And that did not include any documents or materials</p> <p>9 that he gathered during his investigation of the --</p> <p>10 of the allegations, correct?</p> <p>11 A I did not review any documents during that phone</p> <p>12 call.</p> <p>13 Q Okay. And would it be accurate to say that Officer</p> <p>14 -- or following you advising Officer Krause that an</p> <p>15 available charge would be first degree sexual</p> <p>16 assault of a minor under the age of 13, is it true</p> <p>17 that he suggested writing up some sort of a</p> <p>18 narrative that he could submit to the District</p> <p>19 Attorney's office to determine whether an arrest</p> <p>20 warrant would be needed?</p> <p>21 A I do not recall that portion of our communication</p> <p>22 if that -- if that occurred.</p> <p>23 Q In your experience as an assistant district</p> <p>24 attorney, are there certain circumstances under</p> <p>25 which generally speaking an officer would provide</p>	<p style="text-align: right;">Page 36</p> <p>1 foundation. Are you talking the first phone call?</p> <p>2 BY MS. HENDRA:</p> <p>3 Q Yeah, I'm still on this very first phone call on</p> <p>4 the morning of April 5th prior to the arrest.</p> <p>5 A Would you reask the question? I apologize.</p> <p>6 Q Yeah, so at any point during that phone call with</p> <p>7 Officer Krause, did you instruct him to initiate</p> <p>8 the arrest of Ms. Mathis?</p> <p>9 A I do not recall.</p> <p>10 Q Okay. Do you recall at what point you instructed</p> <p>11 Officer Krause to initiate the arrest of Ms.</p> <p>12 Mathis?</p> <p>13 A I don't recall ever instructing Officer Krause to</p> <p>14 arrest Ms. Mathis.</p> <p>15 Q Do you recall if someone else at your office</p> <p>16 instructed Officer Krause to arrest Ms. Mathis?</p> <p>17 A I have -- I do not recall that.</p> <p>18 Q Okay.</p> <p>19 A May I -- I understand what you're trying to get at.</p> <p>20 I think I can offer my general practice in these</p> <p>21 situations.</p> <p>22 Q That would be helpful.</p> <p>23 A Generally I would not instruct an officer to go do</p> <p>24 anything.</p> <p>25 Q Mm-hmm.</p>
<p style="text-align: right;">Page 35</p> <p>1 you with a narrative to help determine whether an</p> <p>2 arrest warrant would be necessary?</p> <p>3 A Generally an arrest warrant was utilized in the</p> <p>4 District Attorney -- in the Marathon County</p> <p>5 District Attorney's Office when there was a risk or</p> <p>6 knowledge that a suspect was fleeing. And an</p> <p>7 arrest warrant was a way that would give other</p> <p>8 jurisdictions sufficient authority to also arrest</p> <p>9 that individual.</p> <p>10 Q Okay. If I told you that Officer Krause explained</p> <p>11 that you informed him that this narrative would not</p> <p>12 be appropriate and that he should just go make the</p> <p>13 arrest, if I told you that, would that be accurate?</p> <p>14 MS. ZELLNER: I'm going to object to the</p> <p>15 form. I think it misstates his testimony.</p> <p>16 MR. ROMAN: I will join.</p> <p>17 MS. JANISCH: Join.</p> <p>18 MS. CARSON: Join.</p> <p>19 THE WITNESS: I don't recall telling him</p> <p>20 that it was inappropriate.</p> <p>21 BY MS. HENDRA:</p> <p>22 Q Do you recall -- well, I'll back up. Did you give</p> <p>23 Officer Krause any instructions as to making an</p> <p>24 arrest of Ms. Mathis?</p> <p>25 MR. ROMAN: I'll object to form and</p>	<p style="text-align: right;">Page 37</p> <p>1 A I would generally tell them they have the ability</p> <p>2 or the requisite legal requirements to initiate an</p> <p>3 arrest if they want.</p> <p>4 Q Okay. And that is extremely helpful. Do you</p> <p>5 recall if that was something that occurred during</p> <p>6 this phone call with Officer Krause?</p> <p>7 MS. CARSON: Can we clarify, any phone</p> <p>8 calls on April 5th, or still on that first?</p> <p>9 MS. HENDRA: I'm still on that first</p> <p>10 phone call.</p> <p>11 MS. CARSON: Okay.</p> <p>12 THE WITNESS: I do not recall.</p> <p>13 BY MS. HENDRA:</p> <p>14 Q So do you recall if that -- if that occurred on any</p> <p>15 phone call on April 5th with Officer Krause?</p> <p>16 A I do not recall.</p> <p>17 Q Do you recall how many phone calls or</p> <p>18 communications occurred between your office and</p> <p>19 Officer Krause prior to the arrest being made on</p> <p>20 April 5th?</p> <p>21 A I do not know the number of communications between</p> <p>22 my office and Officer Krause.</p> <p>23 Q Okay. And --</p> <p>24 A Excuse me, by my office, I mean the Marathon County</p> <p>25 District Attorney's Office.</p>

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<p style="text-align: right;">Page 38</p> <p>1 Q Right. Right. But would it be fair to say that at</p> <p>2 some point on April 5th, 2021, Officer Krause and</p> <p>3 law enforcement did arrest Ms. Mathis as related to</p> <p>4 the first degree sexual assault of a minor under</p> <p>5 the age of 13?</p> <p>6 A The knowledge that I have of that occurring was</p> <p>7 only refreshed based on my review of the materials</p> <p>8 in preparation for today. I do not have a personal</p> <p>9 recollection that Ms. Mathis was arrested on August</p> <p>10 -- or on April 5th, 2021.</p> <p>11 Q Okay. So if I represented to you that Ms. Mathis</p> <p>12 was arrested on April 5th, 2021, would you have any</p> <p>13 reason to dispute that?</p> <p>14 A No.</p> <p>15 Q Okay. And just during that first -- or that phone</p> <p>16 call with Officer Krause, I think we've been</p> <p>17 calling it that first phone call with him on</p> <p>18 April 5th that morning, do you recall how that</p> <p>19 phone call ended?</p> <p>20 A No.</p> <p>21 Q Okay. And just to confirm earlier, you don't</p> <p>22 recall approximately how many minutes you were on</p> <p>23 the phone with Officer Krause?</p> <p>24 A Not with specificity.</p> <p>25 Q Okay. So at any point during your phone call with</p>	<p style="text-align: right;">Page 40</p> <p>1 MS. HENDRA: Okay.</p> <p>2 MR. ROMAN: Or have specific information.</p> <p>3 THE WITNESS: I have no reason to dispute</p> <p>4 that.</p> <p>5 BY MS. HENDRA:</p> <p>6 Q Okay. And would it be fair to say that Ms. Mathis</p> <p>7 was taken into custody immediately following the</p> <p>8 arrest?</p> <p>9 A I do not have personal knowledge of that.</p> <p>10 Q Okay. And I'm going to refer you now to a document</p> <p>11 that we've already marked as an exhibit, and it is</p> <p>12 labeled Exhibit 70.</p> <p>13 A Okay.</p> <p>14 Q And do you have this up on your screen?</p> <p>15 A I do now.</p> <p>16 Q Okay. And do you know what this document is?</p> <p>17 A It appears to be a series of police reports by the</p> <p>18 Mosinee Police Department, and drafted by Officer</p> <p>19 Eric Krause.</p> <p>20 Q Okay. And have you seen this document before?</p> <p>21 A Yes, in preparation for today.</p> <p>22 Q Okay. And prior to today, and you could take a</p> <p>23 moment just to flip through some of the pages</p> <p>24 briefly, do you recall seeing any of the documents</p> <p>25 that make up this Exhibit Number 70?</p>
<p style="text-align: right;">Page 39</p> <p>1 Officer Krause, did you consider whether it was</p> <p>2 appropriate to charge Ms. Mathis with anything</p> <p>3 other than the first degree sexual assault of a</p> <p>4 minor under the age of 13?</p> <p>5 A Yes.</p> <p>6 Q And what other potential charges were you</p> <p>7 considering at that time?</p> <p>8 A Officer Krause's statement that a disorderly</p> <p>9 conduct would be a possible charge, in my</p> <p>10 professional opinion, was not incorrect. So I</p> <p>11 believe that was an available charge, and I did</p> <p>12 consider that. But the information provided to me</p> <p>13 in my opinion met the level of first degree sexual</p> <p>14 assault of a child under the age of 13.</p> <p>15 Q Okay. And same question, prior to the arrest being</p> <p>16 made on April 5th of 2021, did you consider whether</p> <p>17 any other charge would be appropriate of</p> <p>18 Ms. Mathis, given the information you were</p> <p>19 provided?</p> <p>20 A Not that I recall.</p> <p>21 Q Okay. And as we established before, Ms. Mathis was</p> <p>22 arrested sometime in the afternoon of April 5th of</p> <p>23 2021, correct?</p> <p>24 MR. ROMAN: I'll object, I believe he</p> <p>25 testified he didn't recall.</p>	<p style="text-align: right;">Page 41</p> <p>1 A Generally, yes.</p> <p>2 Q Okay. Okay. And do you recall approximately what</p> <p>3 date you first saw these -- the documents that make</p> <p>4 up Exhibit 70?</p> <p>5 A No.</p> <p>6 Q And I understand that you might have -- or, excuse</p> <p>7 me, you might have seen these on a rolling basis,</p> <p>8 maybe they weren't presented to you all at one</p> <p>9 time, but do you recall maybe approximately even</p> <p>10 what month you saw these documents?</p> <p>11 A No.</p> <p>12 Q Okay. Do you recall approximately at what point a</p> <p>13 request was made to obtain these documents?</p> <p>14 A No.</p> <p>15 Q And then would it be fair to say you don't -- you</p> <p>16 might not recall at what -- approximately what date</p> <p>17 the DA's office actually received these documents?</p> <p>18 A I do not recall.</p> <p>19 Q Would you say that it's fair -- it would be fair to</p> <p>20 say that these documents were received by the DA's</p> <p>21 office following the April 5th arrest?</p> <p>22 A Yes, I believe that is fair to say.</p> <p>23 Q Okay. And do you recall what documents and other</p> <p>24 materials the District Attorney's office relied on</p> <p>25 in prosecuting Ms. Mathis in, I think the case</p>

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<p style="text-align: right;">Page 42</p> <p>1 number was 21CV543?</p> <p>2 MR. ROMAN: I'll object to the form by</p> <p>3 prosecuting, that's a lengthy period of time.</p> <p>4 MS. HENDRA: Yeah, I can specify.</p> <p>5 BY MS. HENDRA:</p> <p>6 Q Do you recall if in looking at Exhibit Number 70,</p> <p>7 if any of these documents were referred to or</p> <p>8 relied upon in the State's prosecution of</p> <p>9 Ms. Mathis in 21CV543?</p> <p>10 MR. ROMAN: Again, I object to the form</p> <p>11 of prosecution. I think you have to break that</p> <p>12 down. If you're talking just generally, I just, I</p> <p>13 want to be clear that there's different stages of a</p> <p>14 prosecution.</p> <p>15 MS. HENDRA: Okay, and you know what, it</p> <p>16 might be helpful if I -- my plan is to run through</p> <p>17 some of the events that occurred, so I could refer</p> <p>18 back to this at that point. Just give me one</p> <p>19 moment.</p> <p>20 MR. ROMAN: Sure.</p> <p>21 MS. HENDRA: I just want to look at my</p> <p>22 notes.</p> <p>23 BY MS. HENDRA:</p> <p>24 Q Do you recall if there was any documents or other</p> <p>25 sorts of materials the district attorney relied</p>	<p style="text-align: right;">Page 44</p> <p>1 accurate copy of those documents?</p> <p>2 MR. ROMAN: Object to form.</p> <p>3 MS. ZELLNER: Join.</p> <p>4 MS. JANISCH: Join.</p> <p>5 THE WITNESS: I have no reason to believe</p> <p>6 that these are not true and correct.</p> <p>7 BY MS. HENDRA:</p> <p>8 Q Okay. And I'm going to turn your attention to the</p> <p>9 very first page, and it's got the Bates Number</p> <p>10 Mosinee 207. Do you see that?</p> <p>11 A Yes.</p> <p>12 Q And this is the criminal complaint that you just</p> <p>13 mentioned, correct?</p> <p>14 A The face sheet of the criminal complaint, yes.</p> <p>15 Q Okay. And do you recall approximately what date</p> <p>16 this complaint was filed?</p> <p>17 A Approximately, I believe the later third of April,</p> <p>18 2021.</p> <p>19 MR. ROMAN: Can we just briefly go off</p> <p>20 the record?</p> <p>21 MS. HENDRA: Sure.</p> <p>22 (Off-the-record discussion held.)</p> <p>23 BY MS. HENDRA:</p> <p>24 Q All right, and we briefly discussed Exhibit 88.</p> <p>25 I'm going to also introduce another exhibit while</p>
<p style="text-align: right;">Page 43</p> <p>1 upon, other than the documents -- you know,</p> <p>2 actually, strike that, I'm going to ask that when I</p> <p>3 get to my other questions.</p> <p>4 So I want to refer you to -- I'm going to</p> <p>5 mark an exhibit now, it's going to -- it's entitled</p> <p>6 "criminal case transcripts." Just let me know when</p> <p>7 you have that open.</p> <p>8 A Okay, it's open.</p> <p>9 Q Okay. And we're going to be marking this as</p> <p>10 Exhibit number -- off the record.</p> <p>11 (Off-the-record discussion held.)</p> <p>12 BY MS. HENDRA:</p> <p>13 Q I'm going to have the court reporter mark what will</p> <p>14 be Exhibit Number 88 in this case. And I'll give</p> <p>15 you a moment to look through this. It's lengthy,</p> <p>16 but just to refresh your recollection of what --</p> <p>17 what this document makes up.</p> <p>18 A I'm generally aware.</p> <p>19 Q Okay. And what would -- what is Exhibit Number 88?</p> <p>20 A It is copies of the criminal complaint and the bond</p> <p>21 and, um, court hearing transcripts related to the</p> <p>22 prosecution of Christy Mathis as it relates to the</p> <p>23 first degree sexual assault of a child under the</p> <p>24 age of 13 that we're discussing today.</p> <p>25 Q Okay. And do you believe this to be a true and</p>	<p style="text-align: right;">Page 45</p> <p>1 we discuss Exhibit 88, and it's going to be Exhibit</p> <p>2 89. And it's in our files labeled, "Criminal</p> <p>3 Complaint Filed 4/23/21"?</p> <p>4 A I have that up.</p> <p>5 Q One second. All right. And do you recognize this</p> <p>6 document, Mr. Runde?</p> <p>7 A Yes.</p> <p>8 Q What do you recognize this document to be?</p> <p>9 A The criminal complaint that was filed against</p> <p>10 Christy Mathis in Marathon County Case Number</p> <p>11 21CF543.</p> <p>12 Q If you look -- well, I'll ask you, does this appear</p> <p>13 to be a true and accurate copy of that criminal</p> <p>14 complaint filed against Ms. Mathis?</p> <p>15 A Yes.</p> <p>16 Q And if you look two lines under where it says,</p> <p>17 "State of Wisconsin, County of Marathon," it says</p> <p>18 "Count 1, first degree child sexual assault.</p> <p>19 Sexual contact with a child under age 13." Do you</p> <p>20 see that?</p> <p>21 A Yes.</p> <p>22 Q And that -- would you agree that that's the charge</p> <p>23 that the State -- or that that is the charge that</p> <p>24 the State has charged Ms. Mathis with?</p> <p>25 A Yes.</p>

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<p style="text-align: right;">Page 46</p> <p>1 Q And so if you go to the second paragraph, it starts</p> <p>2 with "the basis"?</p> <p>3 A Yes.</p> <p>4 Q It says, "The basis for Complainant's charge of</p> <p>5 such offenses is, colon, Complainant is a law</p> <p>6 enforcement officer in Marathon County and makes</p> <p>7 this complaint based upon review of police reports</p> <p>8 drafted by Eric Krause of the Mosinee Police</p> <p>9 Department. Your Complainant believes that said</p> <p>10 reports can be relied upon as a basis for probable</p> <p>11 cause, because each of the aforementioned officers</p> <p>12 purported to have investigated the matters related</p> <p>13 herein, and to have prepared said report in the</p> <p>14 regular course of duty as law enforcement officers.</p> <p>15 Moreover, your Complainant has found each of said</p> <p>16 officers to be truthful and accurate in the</p> <p>17 performance of their respective professional</p> <p>18 duties."</p> <p>19 The next paragraph then says, "This</p> <p>20 complaint is further based upon Defendant's</p> <p>21 statements believed to be truthful and reliable as</p> <p>22 they are made against his penal interest. This</p> <p>23 complaint is further based upon statements of</p> <p>24 citizen witnesses believed to be truthful and</p> <p>25 reliable as made by citizen witnesses to the facts</p>	<p style="text-align: right;">Page 48</p> <p>1 -- provides the information that creates the basis</p> <p>2 of the criminal complaint, which is why at the</p> <p>3 bottom of this criminal complaint, Exhibit 89, it</p> <p>4 says, "Electronically signed by Hagenbucher,</p> <p>5 Complainant."</p> <p>6 Q And then it also says, "Electronically signed by</p> <p>7 Davis Runde, Assistant District Attorney," correct?</p> <p>8 A Yes.</p> <p>9 Q So did you personally draft this complaint?</p> <p>10 A I do not recall.</p> <p>11 Q Okay.</p> <p>12 A Typically -- typically the attorneys do draft the</p> <p>13 complaints. They send them to the Complainant for</p> <p>14 review. The Complainant signs the complaint and</p> <p>15 then the assistant district attorney or district</p> <p>16 attorney signs the complaint.</p> <p>17 Q Okay. And if you look at what is marked as PL143</p> <p>18 and PL144, it starts with the very top line,</p> <p>19 "Investigator, colon, Krause, Eric J." Do you see</p> <p>20 that?</p> <p>21 A Yes.</p> <p>22 Q So what was the purpose in including these pages</p> <p>23 with the complaint?</p> <p>24 MR. ROMAN: Object to foundation.</p> <p>25 MS. ZELLNER: Join.</p>
<p style="text-align: right;">Page 47</p> <p>1 related and based upon your Complainant's review of</p> <p>2 reports. Your Complainant knows the following</p> <p>3 information." Did I read that correctly?</p> <p>4 A Yes.</p> <p>5 Q And is that an accurate summation of all the</p> <p>6 information that was relied upon in filing this</p> <p>7 complaint?</p> <p>8 MR. ROMAN: Object to form and</p> <p>9 foundation.</p> <p>10 MS. ZELLNER: Join.</p> <p>11 MS. JANISCH: Join.</p> <p>12 MS. HENDRA: Join.</p> <p>13 THE WITNESS: I think I need to explain.</p> <p>14 I am not -- I was not the Complainant in this</p> <p>15 criminal complaint.</p> <p>16 BY MS. HENDRA:</p> <p>17 Q Okay. And who is that Complainant in this criminal</p> <p>18 complaint?</p> <p>19 A Greg Hagenbucher.</p> <p>20 Q And who is Greg Hagenbucher?</p> <p>21 A Greg Hagenbucher is employed with the Marathon</p> <p>22 County District Attorney's Office as an</p> <p>23 investigator, and, um, at times would testify in</p> <p>24 preliminary hearings.</p> <p>25 So, um, procedurally, a Complainant makes</p>	<p style="text-align: right;">Page 49</p> <p>1 THE WITNESS: So -- is everyone done with</p> <p>2 objections? Okay. I understand my name is signed</p> <p>3 to this complaint, but I do not recall drafting</p> <p>4 this complaint. I can speak generally why that</p> <p>5 information is included, though.</p> <p>6 BY MS. HENDRA:</p> <p>7 Q Okay. Okay, can you explain that, please?</p> <p>8 A Any information contained in a criminal complaint</p> <p>9 needs to have a -- it needs to have somebody to</p> <p>10 attribute the information to. So Officer Krause is</p> <p>11 the officer reporting the information that is</p> <p>12 contained below his name.</p> <p>13 Q Okay.</p> <p>14 A He's providing -- in theory, he's providing that</p> <p>15 information to the Complainant, Greg Hagenbucher.</p> <p>16 Q And why would this information be provided to the</p> <p>17 Complainant, and in this case, Greg Hagenbucher?</p> <p>18 MR. ROMAN: Object to form and foundation</p> <p>19 that Officer Krause provided it to Hagenbucher.</p> <p>20 MS. ZELLNER: Join.</p> <p>21 MS. JANISCH: Join.</p> <p>22 THE WITNESS: Again, I said that this is</p> <p>23 in theory. So it's a procedural rule that the</p> <p>24 Complainant is bringing forth the information which</p> <p>25 is the basis of the charges that the assistant</p>

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<p style="text-align: right;">Page 50</p> <p>1 district attorney is bringing.</p> <p>2 BY MS. HENDRA:</p> <p>3 Q Do you recall what information or documentation was</p> <p>4 provided by the District Attorney's office to</p> <p>5 Mr. Hagenbucher prior to the filing of this</p> <p>6 complaint?</p> <p>7 A The only information that Mr. Hagenbucher was</p> <p>8 provided was the information contained within the</p> <p>9 drafted criminal complaint.</p> <p>10 Q And when you say the information contained within</p> <p>11 the drafted criminal complaint, are you referring</p> <p>12 to PL142 and PL143, I guess it goes -- excuse me,</p> <p>13 it's PL143 and PL144?</p> <p>14 MR. ROMAN: Object to form. He said the</p> <p>15 entire criminal complaint, which would be all the</p> <p>16 pages, I think.</p> <p>17 THE WITNESS: Correct.</p> <p>18 BY MS. HENDRA:</p> <p>19 Q So it would be PL143 through PL144?</p> <p>20 A Yes.</p> <p>21 Q Okay. Okay, so do you -- so we've previously -- I</p> <p>22 asked you when this complaint was filed. Do you</p> <p>23 see that -- would it be fair to say that this</p> <p>24 complaint was filed with the Clerk of Circuit Court</p> <p>25 of Marathon County on April 23rd of 2021?</p>	<p style="text-align: right;">Page 52</p> <p>1 Marathon County.</p> <p>2 Q Okay. And she appeared at this hearing; is that</p> <p>3 true?</p> <p>4 A Yes.</p> <p>5 Q Did -- so based off of this appearances list, would</p> <p>6 it be fair to say you didn't personally appear at</p> <p>7 this hearing in 21CF543?</p> <p>8 A Yes, that would be fair to say.</p> <p>9 Q Okay.</p> <p>10 A And I do not have recollection of appearing at that</p> <p>11 hearing.</p> <p>12 Q Okay. And if you look through this document, it</p> <p>13 appears as though on City of Mosinee 215, or,</p> <p>14 excuse me, City of Mosinee 218 towards the bottom,</p> <p>15 it's Line 14, the Court set a \$10,000 signature</p> <p>16 bond with the first 5,000 in cash; is that right?</p> <p>17 A Yes.</p> <p>18 Q And the Court also scheduled a preliminary hearing</p> <p>19 for June 1st of 2021, that -- I'll represent to you</p> <p>20 that's not in the document, but to the best of your</p> <p>21 recollection, did the Court then schedule a</p> <p>22 June 1st, 2021, preliminary hearing?</p> <p>23 A I do not have personal recollection of that.</p> <p>24 Q Okay.</p> <p>25 A I -- I don't mean to be evasive. The -- I was</p>
<p style="text-align: right;">Page 51</p> <p>1 A Yes.</p> <p>2 Q Okay. So I'm going to turn your attention to</p> <p>3 Exhibit 88, and I'm going to ask that you turn to</p> <p>4 page Bates-marked City of Mosinee 212.</p> <p>5 A Yes.</p> <p>6 Q Okay. And would this City of Mosinee 212 through</p> <p>7 what is Bates-marked City of Mosinee 220, would</p> <p>8 that -- would this be the transcript that</p> <p>9 summarized a probable cause hearing -- excuse me --</p> <p>10 that doesn't summarize -- I'll back up.</p> <p>11 Would pages City of Mosinee 212 through</p> <p>12 City of Mosinee 220 be the transcript of the</p> <p>13 April 6th, 2021, probable cause hearing in 21CF543?</p> <p>14 A It appears to be, yes.</p> <p>15 Q Okay. And if you look on City of Mosinee 212, it</p> <p>16 says, "Appearances for the Plaintiff, Attorney</p> <p>17 Hannah Boeck"?</p> <p>18 A It's pronounced "boik", but.</p> <p>19 Q I apologize.</p> <p>20 A It's okay.</p> <p>21 Q And for Defendant, Attorney Jessa K. Nicholson</p> <p>22 Goetz; do you see that?</p> <p>23 A Yes.</p> <p>24 Q Who is Attorney Hannah Boeck?</p> <p>25 A She was and is an assistant district attorney in</p>	<p style="text-align: right;">Page 53</p> <p>1 involved with this case in conjunction with</p> <p>2 Attorney Molly Lawrence.</p> <p>3 Q Mm-hmm.</p> <p>4 A So there may be some things that occurred that I</p> <p>5 did not actually partake in, so I don't have</p> <p>6 knowledge of those events.</p> <p>7 Q And that's, you know, more than fair. I'm not</p> <p>8 going to ask you to speculate, and I understand not</p> <p>9 only was this case a couple years ago, you've also</p> <p>10 left the District Attorney's office since then, and</p> <p>11 I'm sure you had many cases.</p> <p>12 So, again, I'm not going to ask you to</p> <p>13 speculate, and I appreciate the clarification. But</p> <p>14 I guess what I can do, then, is I'll refer you to</p> <p>15 City of Mosinee 221. And would you start reading</p> <p>16 at that page, and would this -- would you say that</p> <p>17 you agree that a preliminary hearing was then held</p> <p>18 on June 1st of 2021?</p> <p>19 A Yes.</p> <p>20 Q Okay. And it says, "Attorney Anita M. Lawrence</p> <p>21 appeared on behalf of Plaintiff." That's Molly</p> <p>22 Lawrence, same person, correct?</p> <p>23 A Yes.</p> <p>24 Q Okay. And for Defendant, Attorney Jessa K.</p> <p>25 Nicholson also appeared; is that right?</p>

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<p style="text-align: right;">Page 54</p> <p>1 A Yes.</p> <p>2 Q All right. And it's fair to say based off of this</p> <p>3 list of appearances, that you did not personally</p> <p>4 appear at this hearing, correct?</p> <p>5 A Correct.</p> <p>6 Q Okay. And this was, as we just discussed, was for</p> <p>7 a preliminary hearing on June 1st of 2021. Can you</p> <p>8 explain to me what generally speaking a preliminary</p> <p>9 hearing is?</p> <p>10 A Generally speaking, it is a hearing to determine</p> <p>11 whether there is probable cause that, A, not</p> <p>12 necessarily the specific charged felony, but that a</p> <p>13 felony was committed by the Defendant.</p> <p>14 Q Okay. And if you read through this transcript, it</p> <p>15 looks like Ms. -- excuse me, I'm sorry,</p> <p>16 Ms. Lawrence took -- one second, I apologies. So</p> <p>17 it appears as though at the end of the hearing,</p> <p>18 towards -- so I'll point you to page City of</p> <p>19 Mosinee 229, Line 7, the Court decided that it was</p> <p>20 going to order that each of the parties submit</p> <p>21 written arguments as to why it should or should not</p> <p>22 bind this case over, right?</p> <p>23 A Yes.</p> <p>24 Q And if you continue reading, the Court would then</p> <p>25 issue a decision at a later date?</p>	<p style="text-align: right;">Page 56</p> <p>1 to this hearing, both sides, the Plaintiff and</p> <p>2 Defendant, submitted written briefs?</p> <p>3 A Yes.</p> <p>4 Q Do you recall what the Court's finding was at this</p> <p>5 hearing?</p> <p>6 A Generally the -- my recollection is that the Court</p> <p>7 determined that probable cause did not exist and</p> <p>8 dismissed the case without prejudice.</p> <p>9 Q Okay. And the Court then inherently did not bind</p> <p>10 this matter over, correct?</p> <p>11 A Correct.</p> <p>12 Q And when you said the Court dismissed this matter</p> <p>13 without prejudice, I'm going to refer you to City</p> <p>14 of Mosinee 235, Line 5. Well, I'll move up. Line</p> <p>15 3.</p> <p>16 And it says, the Court says, "Is there any</p> <p>17 question about whether -- I believe it would be</p> <p>18 without prejudice, if I'm correct?" And you say,</p> <p>19 "Yes, Your Honor. It would be without prejudice if</p> <p>20 there's new information the State can present to</p> <p>21 the Court." Do you see that?</p> <p>22 A Yes.</p> <p>23 Q So did the -- did the State at any point following</p> <p>24 this August 11th, 2021, hearing present any new</p> <p>25 evidence to the Court with regards to any</p>
<p style="text-align: right;">Page 55</p> <p>1 A Yes.</p> <p>2 Q And can you describe to me what your understanding</p> <p>3 of the term "bind over" is?</p> <p>4 A Yes. Bind over is -- occurs after the State puts</p> <p>5 on its evidence for preliminary hearing, and makes</p> <p>6 a motion to the Court to bind the Defendant over</p> <p>7 for trial for a felony. And it's -- it's a</p> <p>8 procedural part of a criminal case.</p> <p>9 Q Okay. And if -- so, and if you keep reading, it</p> <p>10 looks like the Court set a briefing schedule, and</p> <p>11 the June 1st matter was adjourned, correct?</p> <p>12 A Yes.</p> <p>13 Q And if you move on to City of Mosinee 233.</p> <p>14 A Yes.</p> <p>15 Q Under appearances for Plaintiff it says your name,</p> <p>16 right?</p> <p>17 A Yes.</p> <p>18 Q And then it was for a hearing on August 11th of</p> <p>19 2021, correct?</p> <p>20 A Yes.</p> <p>21 Q Do you recall what this hearing was scheduled for?</p> <p>22 A It was the -- to my recollection, it was the</p> <p>23 Court's oral ruling on the issue of whether there</p> <p>24 was probable cause to bind the Defendant over.</p> <p>25 Q Okay. And to the best of your recollection prior</p>	<p style="text-align: right;">Page 57</p> <p>1 prosecution of Ms. Mathis resulting from any</p> <p>2 inappropriate touch -- excuse me, resulting from</p> <p>3 the inappropriate touch incident that is the</p> <p>4 subject matter of its -- of the criminal complaint</p> <p>5 it filed?</p> <p>6 MR. ROMAN: I'll object to form and</p> <p>7 foundation.</p> <p>8 MS. ZELLNER: Join.</p> <p>9 MS. JANISCH: Join.</p> <p>10 THE WITNESS: To my recollection and</p> <p>11 knowledge, I do not recall any additional</p> <p>12 information being presented to the Court following</p> <p>13 the dismissal.</p> <p>14 BY MS. HENDRA:</p> <p>15 Q Okay. And you just said that as a result of this</p> <p>16 matter being dismissed, the Court -- the Court also</p> <p>17 did not bind this over for trial, correct?</p> <p>18 A Correct.</p> <p>19 Q And in your experience, and I'm asking you to</p> <p>20 estimate how many cases that you prosecuted have</p> <p>21 not been bound over for trial?</p> <p>22 MR. ROMAN: Object to form and</p> <p>23 foundation.</p> <p>24 MS. ZELLNER: I'll join.</p> <p>25 MS. JANISCH: Join.</p>

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<p style="text-align: right;">Page 58</p> <p>1 MS. CARSON: Join.</p> <p>2 THE WITNESS: You're asking me</p> <p>3 personally, my personal caseload?</p> <p>4 BY MS. HENDRA:</p> <p>5 Q Yes, yours. And I'm just asking you to estimate.</p> <p>6 A I would estimate under ten.</p> <p>7 Q Okay. So would that be over the course of your</p> <p>8 career at the District Attorney's office?</p> <p>9 A Yes.</p> <p>10 Q Okay. And you'd agree, then, that this case here</p> <p>11 was not bound over for trial, right?</p> <p>12 A I do agree with that, yes.</p> <p>13 Q Okay. And you did say -- you mentioned earlier</p> <p>14 that to your knowledge, the State did not bring</p> <p>15 about any new charges against Ms. Mathis following</p> <p>16 the dismissal in this matter, correct?</p> <p>17 A My recollection, no.</p> <p>18 Q Do you know why?</p> <p>19 MS. CARSON: I'm going to object to the</p> <p>20 point that that calls for any privileged</p> <p>21 information that Mr. Runde received from his</p> <p>22 client.</p> <p>23 BY MS. HENDRA:</p> <p>24 Q You can answer subject to that.</p> <p>25 A Could you restate the question?</p>	<p style="text-align: right;">Page 60</p> <p>1 dismissal rate for other prosecutors in the</p> <p>2 Marathon County District Attorney's Office?</p> <p>3 MS. ZELLNER: Object to form.</p> <p>4 MR. ROMAN: I'll join.</p> <p>5 MS. JANISCH: Join.</p> <p>6 THE WITNESS: Dismissed in the context of</p> <p>7 your question, dismissal at preliminary hearing?</p> <p>8 BY MS. HENDRA:</p> <p>9 Q Yeah, at preliminary hearing.</p> <p>10 A I do not know a dismissal rate, in any general</p> <p>11 terms.</p> <p>12 Q Okay.</p> <p>13 A Generally I guess it's low.</p> <p>14 Q All right. So then would it be fair to say that</p> <p>15 based off a general characterization of a</p> <p>16 low-dismissal rate within the Marathon County</p> <p>17 District Attorney's Office, that 21CF543 would be</p> <p>18 part of that small population of cases that are</p> <p>19 dismissed at preliminary hearing?</p> <p>20 A Yes.</p> <p>21 Q Okay. And that's all I have, so I understand the</p> <p>22 other attorneys might have some questions, so.</p> <p>23 MS. ZELLNER: Do you want me to go first?</p> <p>24 MR. ROMAN: Sure.</p> <p>25 MS. HENDRA: Yeah, whoever wants to.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q Yeah, so subject to your attorney's objection, or,</p> <p>2 excuse me, subject to any communications or</p> <p>3 information that your attorney just objected to, to</p> <p>4 your knowledge, do you know why the State did not</p> <p>5 bring about any new charges against Ms. Mathis?</p> <p>6 A I don't believe I can answer the question with any</p> <p>7 information that is excluded from that privilege.</p> <p>8 Q Okay.</p> <p>9 MS. JANISCH: Attorney Hendra, I'm so</p> <p>10 sorry to interrupt, I'm sure you're probably coming</p> <p>11 towards the end, but do you mind if we take a</p> <p>12 couple minutes here? I need a minute to just deal</p> <p>13 with something.</p> <p>14 MS. HENDRA: Sure, I only have like two</p> <p>15 more questions, or do you guys want to set a</p> <p>16 five-minute time, or?</p> <p>17 MR. ROMAN: Why don't we say at a quarter</p> <p>18 after.</p> <p>19 (Short recess taken.)</p> <p>20 BY MR. ROMAN:</p> <p>21 Q So previously before the break we discussed that</p> <p>22 21CV543 was dismissed without prejudice by the</p> <p>23 Court, correct?</p> <p>24 A Yes.</p> <p>25 Q And, generally, would you happen to know the</p>	<p style="text-align: right;">Page 61</p> <p style="text-align: center;">E X A M I N A T I O N</p> <p>1 BY MS. ZELLNER:</p> <p>2 Q Mr. Runde, I'm Kiley Zellner, I represent Officer</p> <p>3 Krause. How are you?</p> <p>4 A Good. How are you?</p> <p>5 Q Good. I just have a few additional questions for</p> <p>6 you. During your testimony you talked about at</p> <p>7 times where cases were referred to you to then</p> <p>8 review and determine a charge; is that correct?</p> <p>9 A Yes.</p> <p>10 Q Do you recall during your phone conversation with</p> <p>11 Officer Krause on April 5th of 2021 whether or not</p> <p>12 he indicated to you a preference or a thought that</p> <p>13 perhaps it would be best if he referred the case to</p> <p>14 you for review?</p> <p>15 A I do not recall that.</p> <p>16 Q And you stated when those cases came in, whether or</p> <p>17 not they already had a charge essentially assigned</p> <p>18 to them by the officer or something, that it was</p> <p>19 the attorney's responsibility to review and</p> <p>20 determine appropriate charge, correct?</p> <p>21 A Yes.</p> <p>22 Q And presumably then if a case was referred to you</p> <p>23 with a charge attached to it that you disagreed</p> <p>24 with, that would be at your discretion to change</p> <p>25</p>

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<p style="text-align: right;">Page 62</p> <p>1 that charge; is that correct?</p> <p>2 MS. HENDRA: I'll object to form and</p> <p>3 speculation.</p> <p>4 MS. CARSON: Join.</p> <p>5 THE WITNESS: Could you reask that</p> <p>6 question, please?</p> <p>7 BY MS. ZELLNER:</p> <p>8 Q Sure. Let's assume that a set of reports came in</p> <p>9 where an officer intended to charge one crime, you</p> <p>10 reviewed it. Would it be at your discretion then</p> <p>11 to change what the officer originally suggested as</p> <p>12 the charge?</p> <p>13 MS. HENDRA: I'll object to form and</p> <p>14 hypothetical.</p> <p>15 MS. CARSON: Join.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MS. ZELLNER:</p> <p>18 Q When discussing your responsibilities as a district</p> <p>19 attorney, one of the things you mentioned was an</p> <p>20 ethical obligation; do you recall that?</p> <p>21 A Yes.</p> <p>22 Q And, generally, is that ethical obligation, if I'm</p> <p>23 understanding it correctly, not to bring a charge</p> <p>24 that you didn't believe could be proved beyond a</p> <p>25 reasonable doubt?</p>	<p style="text-align: right;">Page 64</p> <p>1 Q And would that have occurred on or about June 2nd</p> <p>2 of 2021?</p> <p>3 A Yes.</p> <p>4 Q And I know that you had a chance to briefly review</p> <p>5 this. I would draw your attention to, if we're</p> <p>6 looking at the second page of the document,</p> <p>7 essentially the third paragraph up from the bottom.</p> <p>8 Can you review that for me for one second?</p> <p>9 MS. HENDRA: What page? I'm sorry,</p> <p>10 Kiley.</p> <p>11 MS. ZELLNER: It would be the second</p> <p>12 page.</p> <p>13 MS. HENDRA: Okay.</p> <p>14 MR. ROMAN: So 00677. It actually says</p> <p>15 page 1, but it's page 2 of the exhibit.</p> <p>16 MS. ZELLNER: Correct, yes.</p> <p>17 THE WITNESS: I see that paragraph.</p> <p>18 BY MS. ZELLNER:</p> <p>19 Q Okay, does that refresh your recollection as to</p> <p>20 whether or not you suggested to Officer Krause to</p> <p>21 arrest Ms. Mathis?</p> <p>22 A No.</p> <p>23 Q It does not refresh your recollection?</p> <p>24 A No, I -- I read it, and I understand what it says,</p> <p>25 but I -- it does not bring up a recollection of</p>
<p style="text-align: right;">Page 63</p> <p>1 A Yes.</p> <p>2 Q During decisions as to what if any charges to</p> <p>3 bring, I believe that you mentioned that you could</p> <p>4 request to review additional reports, videos,</p> <p>5 things like that; is that correct?</p> <p>6 A Yes.</p> <p>7 Q Do you recall if on April 5th of 2021 during any of</p> <p>8 your conversations with Officer Krause, that if you</p> <p>9 requested any additional information, reports,</p> <p>10 videos, anything from him?</p> <p>11 A I did not ask for written reports, or photos, or</p> <p>12 videos, or documentary evidence, that I recall.</p> <p>13 Q And one of the questions that you were asked</p> <p>14 earlier regarding -- was regarding whether or not</p> <p>15 there were any instructions as to whether or not</p> <p>16 Officer Krause should arrest Ms. Mathis.</p> <p>17 At this point I'd like to introduce Exhibit</p> <p>18 Number 90, I believe, is that correct? And that</p> <p>19 would be that document that was just uploaded. Do</p> <p>20 you have that up in front of you?</p> <p>21 A The document that is titled in the Dropbox file</p> <p>22 "DCI Report Runde Interview," yes, I have that up.</p> <p>23 Q Okay. And do you recall being interviewed by the</p> <p>24 Wisconsin Division of Criminal Investigation?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 65</p> <p>1 that.</p> <p>2 Q Okay. Was there a second phone call with Officer</p> <p>3 Krause on April 5th of 2021?</p> <p>4 A Yes, I believe there was.</p> <p>5 Q And do you recall whether or not Officer Krause at</p> <p>6 any point on April 5th of 2021 asked you to double</p> <p>7 check with another district attorney regarding the</p> <p>8 charge in this matter?</p> <p>9 A I don't believe he asked me to double check with</p> <p>10 somebody.</p> <p>11 Q Did you tell him that you were going to double</p> <p>12 check with somebody regarding the charge?</p> <p>13 A I -- my general practice is when those types of</p> <p>14 calls come in where it's relatively quick decision,</p> <p>15 I generally seek a second opinion. So I don't -- I</p> <p>16 don't specifically recall telling him I'm going to</p> <p>17 seek a second opinion. I believe I did, though.</p> <p>18 Q You reviewed the preliminary hearing transcript</p> <p>19 just earlier in your testimony. Would you agree</p> <p>20 that the alleged victim was not called as a witness</p> <p>21 in the preliminary hearing?</p> <p>22 A Yes.</p> <p>23 Q Would you agree with me that none of the other</p> <p>24 students who allegedly witnessed the incident were</p> <p>25 called as witnesses at the preliminary hearing?</p>

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<p style="text-align: right;">Page 66</p> <p>1 A Yes.</p> <p>2 Q And is that essentially the prosecuting attorney's</p> <p>3 decision who to call as a witness at a preliminary</p> <p>4 hearing?</p> <p>5 A Yes.</p> <p>6 Q And the decision to dismiss the case by the Court</p> <p>7 following the preliminary hearing, that was a</p> <p>8 decision based on whether or not there was probable</p> <p>9 cause for a felony, correct?</p> <p>10 A Correct. The Court had already found that probable</p> <p>11 cause existed for a crime, but in the preliminary</p> <p>12 hearing determination, it was a probable cause of a</p> <p>13 felony.</p> <p>14 Q And a disorderly conduct, is that a felony in</p> <p>15 Wisconsin?</p> <p>16 A Can be.</p> <p>17 Q Can it also be a misdemeanor?</p> <p>18 A Yes. I should qualify, it can be if there's</p> <p>19 certain enhancements with the crime of -- the base</p> <p>20 crime of disorderly conduct.</p> <p>21 Q Understood. Do you recall any other communications</p> <p>22 besides the two phone calls with Officer Krause</p> <p>23 prior to the criminal complaint being filed?</p> <p>24 MS. CARSON: Can I just stop for a</p> <p>25 minute? Is that as of April 23rd, 2021? You're</p>	<p style="text-align: right;">Page 68</p> <p>1 degree sexual assault of a child under the age of</p> <p>2 13, and that he had probable cause to arrest.</p> <p>3 Q I have no further questions.</p> <p>4 MR. ROMAN: I just have a few follow-up</p> <p>5 questions.</p> <p>6 EXAMINATION</p> <p>7 BY MR. ROMAN:</p> <p>8 Q And I'm going to sort of broaden it out just to --</p> <p>9 so I'm going to ask you some general questions just</p> <p>10 so I understand how the Marathon County District</p> <p>11 Attorney's Office was structured at the time we're</p> <p>12 talking about, so I'd like to bring your attention</p> <p>13 back to March/April 2021. Okay?</p> <p>14 A Yes.</p> <p>15 Q At that point, if I understand it, who was the</p> <p>16 district -- I should say, who was the district</p> <p>17 attorney, the elected district attorney of Marathon</p> <p>18 County at that point?</p> <p>19 A Theresa Wetzsteon.</p> <p>20 Q Okay. And do you know how long she had been in</p> <p>21 office as district attorney?</p> <p>22 A I believe she was elected in November of 2016.</p> <p>23 Q And do you know how long she had been with the</p> <p>24 District Attorney's office before she was elected</p> <p>25 DA?</p>
<p style="text-align: right;">Page 67</p> <p>1 asking if he communicated with Krause after</p> <p>2 April 5th, before April 23rd?</p> <p>3 MS. ZELLNER: Correct, yes, thank you.</p> <p>4 MS. CARSON: He does not have a waiver to</p> <p>5 speak about those communications.</p> <p>6 BY MS. ZELLNER:</p> <p>7 Q Okay, so I guess just to clear up, only two phone</p> <p>8 calls with Officer Krause on April 5th of 2021; is</p> <p>9 that correct?</p> <p>10 A I -- my com -- my communications with Officer</p> <p>11 Krause were not limited to two phone calls on</p> <p>12 April 5th, 2021.</p> <p>13 Q Okay. And can you explain that to me? I guess</p> <p>14 maybe I'm missing the distinction.</p> <p>15 A At one point I recall text messaging with Officer</p> <p>16 Krause regarding whether social services had been</p> <p>17 contacted yet. And that I believe occurred in the</p> <p>18 afternoon of April 5th, 2021.</p> <p>19 Q Any other communication on April 5th of 2021?</p> <p>20 A Not that I recall.</p> <p>21 Q And do you recall generally what the second phone</p> <p>22 call with Officer Krause was regarding?</p> <p>23 A I believe it was, to my recollection, confirming</p> <p>24 with him that an available charge would be, based</p> <p>25 on the information provided to me, would be first</p>	<p style="text-align: right;">Page 69</p> <p>1 A I believe at the -- my recollection is at the time</p> <p>2 Attorney Wetzsteon was elected as district</p> <p>3 attorney, I believe she had at least 15 years of</p> <p>4 experience as an assistant district attorney?</p> <p>5 Q And just generally, do you know if there was any --</p> <p>6 and you identified that when you were -- at least</p> <p>7 for a portion of when you were the assistant</p> <p>8 district attorney, that you dealt with sort of</p> <p>9 specialty cases which you referred to as sexual</p> <p>10 assault and domestic abuse situations, correct?</p> <p>11 A Yes.</p> <p>12 Q Do you know if the district attorney ever had any</p> <p>13 background or experience within the Marathon</p> <p>14 County's District Attorney's Office in a similar</p> <p>15 capacity of dealing with specialty cases involving</p> <p>16 sexual assaults or anything of that manner?</p> <p>17 A Sorry, is that coming through?</p> <p>18 Q Could you hear me?</p> <p>19 A No. There's construction in our building, and it</p> <p>20 sounds like -- is that coming through for you?</p> <p>21 Q I could hear you.</p> <p>22 A Okay.</p> <p>23 Q Oh, no, that, I didn't hear any of that.</p> <p>24 A Sorry. Yes, Attorney Wetzsteon had a history of</p> <p>25 specialization in felony sexual assaults. And at</p>

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<p style="text-align: right;">Page 70</p> <p>1 one point for, I believe several years, prosecuted</p> <p>2 every felony sexual assault in Marathon County.</p> <p>3 Q So once you became involved, is that sort of how</p> <p>4 the office was set up? You talk about different</p> <p>5 specialty, I think you mentioned there was OWI,</p> <p>6 there were other things. Does Marathon County, in</p> <p>7 the time frame we're talking about, the spring of</p> <p>8 2021, did that have a breakdown as far as district</p> <p>9 attorneys that would handle particular cases as</p> <p>10 opposed to being just generalists across the board?</p> <p>11 A Yes, I believe -- but I believe every attorney in</p> <p>12 the office at that time had at least one specialty.</p> <p>13 Q Do you know if anybody else besides yourself was</p> <p>14 sort of the specialty, as you indicated, the sexual</p> <p>15 assault and/or domestic violence?</p> <p>16 A Yes.</p> <p>17 Q Who?</p> <p>18 A Deputy District Attorney Molly Lawrence specialized</p> <p>19 in domestic abuse and sexual assaults. Assistant</p> <p>20 District Attorney Natalie Zibolski specialized in</p> <p>21 domestic abuse and sexual assaults. Assistant</p> <p>22 District Attorney Cody Marschall specialized in the</p> <p>23 same. And I believe Assistant District Attorney</p> <p>24 Rory McGarry specialized in the same. And</p> <p>25 Assistant District Attorney Jonathan Barnett</p>	<p style="text-align: right;">Page 72</p> <p>1 as responsibilities in the Marathon County District</p> <p>2 Attorney's Office in the spring of 2021?</p> <p>3 A The differences in roles and responsibilities as</p> <p>4 they relate to prosecution were extremely minimal.</p> <p>5 Generally there may have been a tendency that the</p> <p>6 deputy would help counsel larger, more serious</p> <p>7 cases, but that was not a standard practice.</p> <p>8 Really the key differences were in management of</p> <p>9 staff and attendance of county-wide meetings.</p> <p>10 Q Understand. And I'm just asking about ballpark.</p> <p>11 As of, say, April 5th, 2021, can you give me an</p> <p>12 approximation of how many investigations you had</p> <p>13 been involved with? And when I say</p> <p>14 "investigations," I meant to quantify that as</p> <p>15 either reviewing police reports or being contacted</p> <p>16 by a law enforcement officer concerning potential</p> <p>17 sexual assault or sexual misconduct charges that</p> <p>18 were being reviewed by the District Attorney's</p> <p>19 office?</p> <p>20 A In my entire time with the District Attorney's</p> <p>21 office?</p> <p>22 Q Up through, if you can approximate, up through the</p> <p>23 time of April 5th, 2021.</p> <p>24 A Only sexual assaults, correct?</p> <p>25 Q Or sexual --</p>
<p style="text-align: right;">Page 71</p> <p>1 specialized in the same.</p> <p>2 Q Okay.</p> <p>3 A I believe Attorney Barnett was with the Marathon</p> <p>4 County District Attorney's Office at this time in</p> <p>5 question.</p> <p>6 Q So it sounds like there's quite a few people that</p> <p>7 were involved in these type of cases or</p> <p>8 specialized, correct?</p> <p>9 A Yes.</p> <p>10 Q And maybe you were asked this, how many assistant</p> <p>11 district attorneys were there in the spring of</p> <p>12 2021, roughly, if you can remember?</p> <p>13 A I believe 11 or 12.</p> <p>14 Q And forgive me for asking this, but I do want to</p> <p>15 understand how the department worked. You had also</p> <p>16 mentioned there was a deputy district attorney and</p> <p>17 for a while you were in the interim role. Could</p> <p>18 you identify who the deputies would have been</p> <p>19 during the spring of 2021, if any?</p> <p>20 A It would have -- it was and is Attorney Anita Molly</p> <p>21 Lawrence.</p> <p>22 Q So can you kind of explain just generally, and I'm</p> <p>23 not talking -- how the interaction between --</p> <p>24 what's the difference between a deputy district</p> <p>25 attorney and an assistant district attorney as far</p>	<p style="text-align: right;">Page 73</p> <p>1 A Sure.</p> <p>2 Q I don't know, let's talk -- let me stop, it's a</p> <p>3 good point. You said you specialize in sexual</p> <p>4 assault or sexual -- or disorderly conduct. I</p> <p>5 guess I'd like to broadly, if you could, could you</p> <p>6 tell us what types of cases that you would consider</p> <p>7 under that umbrella of sexual assault cases? Is it</p> <p>8 anything of a sexual matter that could be of</p> <p>9 criminal conduct, or is it a particular level of --</p> <p>10 of alleged criminal conduct solving sexual</p> <p>11 misconduct?</p> <p>12 A Generally if it was a felony charge with the term</p> <p>13 "sexual assault" in it, so that encompasses first,</p> <p>14 second, third, and fourth degree sexual assault of</p> <p>15 adult victims, and first and second degree sexual</p> <p>16 assaults of children, those got parsed out into the</p> <p>17 specialty caseloads.</p> <p>18 Though if one case was -- such as a</p> <p>19 hypothetical charge of causing mental harm of a</p> <p>20 child that was based on sexual activity, that may</p> <p>21 be prosecuted by one of the specialty attorneys, as</p> <p>22 well.</p> <p>23 Q So with that in mind, can you give me an</p> <p>24 approximation of how many cases -- I don't mean</p> <p>25 necessarily cases that ultimately led to criminal</p>

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<p style="text-align: right;">Page 74</p> <p>1 charges, but just that you were either referred to</p> <p>2 or otherwise reviewed, police reports, that -- that</p> <p>3 would be in that specialty that you just sort of</p> <p>4 characterized?</p> <p>5 A Up until the point of charging, so not cases I just</p> <p>6 prosecuted?</p> <p>7 Q Right.</p> <p>8 A Approximately probably a hundred to 150 that I</p> <p>9 personally reviewed.</p> <p>10 Q So it would be fair to say that you had a</p> <p>11 significant amount of experience at least reviewing</p> <p>12 these types of cases by the time the April 5th,</p> <p>13 2021, communications you had with Officer Krause</p> <p>14 took place?</p> <p>15 A Yes.</p> <p>16 Q Can you tell me a little bit about how</p> <p>17 communications with law enforcement would take</p> <p>18 place with the District Attorney's office if they</p> <p>19 had questions generally about a potential case that</p> <p>20 they were investigating something, they had</p> <p>21 questions, can you tell me just generally how that</p> <p>22 communication would take place?</p> <p>23 A If it was during business hours, the call would</p> <p>24 come from the law enforcement agency. It would go</p> <p>25 to the office receptionist. The office</p>	<p style="text-align: right;">Page 76</p> <p>1 unusual to have law enforcement officers call the</p> <p>2 District Attorney's office to get information, or</p> <p>3 if they have questions about potential case that</p> <p>4 they're -- they're investigating?</p> <p>5 A No.</p> <p>6 Q So it wouldn't be unusual?</p> <p>7 A It would not be unusual.</p> <p>8 Q Can you give me a rough estimate of how many times</p> <p>9 up until April 5th, 2021, you would have had</p> <p>10 communication of a similar nature that I think</p> <p>11 you've testified here that Officer Krause</p> <p>12 communicated with you on that day in April 5th</p> <p>13 about other criminal charges? It was a bad</p> <p>14 question, but you know what I'm getting at?</p> <p>15 A Within the realm of sexual assaults?</p> <p>16 Q Just generally, and then we can talk about</p> <p>17 specifically.</p> <p>18 A If I'm understanding your question, you're asking</p> <p>19 how many times I've been contacted by law</p> <p>20 enforcement in my career up until April 5th, 2021,</p> <p>21 for essentially information about a specific legal</p> <p>22 issue the officer may be facing?</p> <p>23 Q Right. And if it helps you, I can pin it down more</p> <p>24 about whether or not criminal charges are</p> <p>25 appropriate, or the nature of a particular criminal</p>
<p style="text-align: right;">Page 75</p> <p>1 receptionist would either direct that officer to a</p> <p>2 specific attorney, or send out a message informing</p> <p>3 the attorneys that an officer was seeking a</p> <p>4 callback, at which time the officer would be called</p> <p>5 back by one of the attorneys, the issue would be</p> <p>6 discussed, and whatever appropriate steps needed to</p> <p>7 be taken would be taken.</p> <p>8 If it occurred after business hours, there</p> <p>9 was always at least one assistant DA who was</p> <p>10 on-call, and that individual ADA would be contacted</p> <p>11 directly from Marathon County dispatch, and they</p> <p>12 would say this officer is seeking a callback.</p> <p>13 Q Would it be fair to say, I'm not talking you in</p> <p>14 particular, but fair to say that one of the roles</p> <p>15 of district attorneys, including assistant district</p> <p>16 attorney, is to communicate with law enforcement if</p> <p>17 they have questions about a particular legal</p> <p>18 situation that may be presented to them?</p> <p>19 A Yes.</p> <p>20 Q And I think you've indicated, ultimately it's the</p> <p>21 District Attorney's office that makes the charging</p> <p>22 decision that gets filed in the circuit court,</p> <p>23 correct? Meaning the filing of the complaint?</p> <p>24 A Correct.</p> <p>25 Q So in your experience during your time, was it that</p>	<p style="text-align: right;">Page 77</p> <p>1 charge in a -- in an investigation that they're</p> <p>2 facing?</p> <p>3 A That -- the answer to that is, well, so, many of</p> <p>4 the calls we would receive would be for warrants.</p> <p>5 Q Sure.</p> <p>6 A Approval of a search warrant or subpoena, or</p> <p>7 something like that which inherently required a</p> <p>8 determination of probable cause. So the officer</p> <p>9 would not only be calling for a warrant, but for a</p> <p>10 confirmation that the information they --</p> <p>11 containing in their application for a search</p> <p>12 warrant meets the level of probable cause.</p> <p>13 Q Okay.</p> <p>14 A So --</p> <p>15 Q So let's take aside search warrants now. I'm</p> <p>16 guessing more questions along the line of about</p> <p>17 whether criminal charge, or what criminal charge</p> <p>18 might be appropriate in a given situation that they</p> <p>19 conveyed to you.</p> <p>20 A Based on my -- an estimate, a few hundred. It</p> <p>21 happened --</p> <p>22 Q Go ahead.</p> <p>23 A It was not uncommon to be having multiple calls</p> <p>24 like that in a week.</p> <p>25 Q Let's talk a little bit about, I think it was</p>

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<p style="text-align: right;">Page 78</p> <p>1 Exhibit 90. Do you have that in front of you?</p> <p>2 A The DCI report?</p> <p>3 Q Yes.</p> <p>4 A Yes.</p> <p>5 Q I take it in your career as a district attorney,</p> <p>6 you reviewed multiple law enforcement agency</p> <p>7 reports involving investigations that various</p> <p>8 officers conducted, correct?</p> <p>9 A Yes.</p> <p>10 Q And I draw your attention to I think what's City of</p> <p>11 Mosinee 677, it's the second page of this exhibit.</p> <p>12 A Yes.</p> <p>13 Q And I know you said you generally had a chance to</p> <p>14 review it. I'm going to kind of go over some</p> <p>15 certain things in it just so I can be clear,</p> <p>16 because this is our chance to ask you questions</p> <p>17 about what occurred on April 5th, 2021, and I just</p> <p>18 want to be clear that your answers that you</p> <p>19 previously gave, you know, it's been a long time,</p> <p>20 so I'm just kind of going to go through this</p> <p>21 exhibit with you. Okay?</p> <p>22 A Okay.</p> <p>23 Q And I'll make my passing reference. It's just by</p> <p>24 way of background, and I'll make this assertion,</p> <p>25 other portions of this DCI report that had</p>	<p style="text-align: right;">Page 80</p> <p>1 with special agents with the Department of Justice</p> <p>2 Division of Criminal Investigation, correct?</p> <p>3 A It was not common.</p> <p>4 Q Now, did you have an understanding of why they were</p> <p>5 meeting with you on April 5th?</p> <p>6 A Yes.</p> <p>7 Q And -- was there an objection, I thought I heard</p> <p>8 something?</p> <p>9 MS. CARSON: You said when he met with</p> <p>10 DCI on April 5th?</p> <p>11 MR. ROMAN: You're correct, I apologize,</p> <p>12 thank you.</p> <p>13 BY MR. ROMAN:</p> <p>14 Q So you met with them on June 2nd, 2021. Do you</p> <p>15 remember where you met?</p> <p>16 A In my office at the Marathon County District</p> <p>17 Attorney's Office.</p> <p>18 Q And it says, if you look at the third paragraph,</p> <p>19 that at approximately 2:43 p.m., they met with you,</p> <p>20 correct? If you look at the third paragraph.</p> <p>21 A Yeah, I do see that, yes.</p> <p>22 Q And if you look at the very next sentence, it said,</p> <p>23 "The following is a summary of the information</p> <p>24 provided by ADA Runde," correct?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 79</p> <p>1 referenced that, ah, I believe the same</p> <p>2 investigators with DCI were interviewing Molly</p> <p>3 Lawrence and you happened to pop by, do you have a</p> <p>4 recollection of that? You just sort of stopped by</p> <p>5 the office and saw?</p> <p>6 A Yeah, I have a general recollection of that.</p> <p>7 Q And at that point they made a reference that they</p> <p>8 wanted to talk to you about -- about this, and</p> <p>9 we're gonna set up a time to interview with you; do</p> <p>10 you remember that?</p> <p>11 A Yes.</p> <p>12 Q Okay. And so if we go by what this report is, it</p> <p>13 looks like on Wednesday, June 2nd, Special Agent</p> <p>14 Shane Heiser and Michael Reimer met with you,</p> <p>15 correct?</p> <p>16 A Yes.</p> <p>17 Q Outside this interview with you, had you ever had</p> <p>18 any contact or any other communication with either</p> <p>19 of these special agents? Just generally under any</p> <p>20 circumstance, were you familiar with them?</p> <p>21 A Yes. I was more familiar with Shane Heiser. I --</p> <p>22 I believe that spring had met Michael Reimer for</p> <p>23 the first time at a homicide sweep.</p> <p>24 Q So it wouldn't be unusual in your role as an</p> <p>25 assistant district attorney to have interactions</p>	<p style="text-align: right;">Page 81</p> <p>1 Q And given your -- your experience in reviewing law</p> <p>2 enforcement investigation reports, is that a common</p> <p>3 practice for people to summarize communications</p> <p>4 that law enforcement agencies have with people</p> <p>5 they're interviewing in a narrative form such as</p> <p>6 this?</p> <p>7 A Yes.</p> <p>8 Q So it's not meant to be a -- in your experience,</p> <p>9 it's not meant to be like a verbatim transcript,</p> <p>10 but it's a summary of what occurred in the</p> <p>11 interview that they conducted with a particular</p> <p>12 person, correct?</p> <p>13 A Correct.</p> <p>14 Q And if you look at the next paragraph, so the</p> <p>15 fourth paragraph, it says, "On Monday, April 5th,</p> <p>16 2021, at approximately 9:59 p.m., Officer Krause</p> <p>17 contacted the Marathon County District Attorney's</p> <p>18 Office requesting to speak to a prosecuting</p> <p>19 attorney in regard to reported sexual assault at</p> <p>20 Mosinee Middle School," correct?</p> <p>21 A Correct.</p> <p>22 Q And is -- is that consistent with your memory of</p> <p>23 how the call came in, that Officer Krause would</p> <p>24 have contacted the District Attorney's office at or</p> <p>25 about that time requesting to speak to a</p>

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<p style="text-align: right;">Page 82</p> <p>1 prosecuting attorney?</p> <p>2 A It's correct on the date and approximately time</p> <p>3 about Officer Krause calling the District</p> <p>4 Attorney's office. I, um, don't know it's fair to</p> <p>5 say that he was calling about a reported sexual</p> <p>6 assault.</p> <p>7 Q Well, do you have any reason to believe that the</p> <p>8 reporting officer didn't get this information from</p> <p>9 you, if it's reflecting a summary of -- of</p> <p>10 communications or interview he had with you?</p> <p>11 A I guess what I'm intending to say is, Officer</p> <p>12 Krause called the Marathon County District</p> <p>13 Attorney's Office to speak to a prosecuting</p> <p>14 attorney about possible violation. And at the time</p> <p>15 of him communicating with me, I don't believe he</p> <p>16 had the understanding that it was a sexual assault</p> <p>17 at that point of making the call. Generally we</p> <p>18 discussed that, and what ultimately came of that</p> <p>19 conversation was we were discussing what ultimately</p> <p>20 was a reported sexual assault. Did we lose you,</p> <p>21 Attorney Roman?</p> <p>22 MS. ZELLNER: It looks like he's frozen.</p> <p>23 MS. HENDRA: Yeah, we might have lost</p> <p>24 him. Let's give him a second to -- maybe he'll log</p> <p>25 out and log back in.</p>	<p style="text-align: right;">Page 84</p> <p>1 2021, was closer in time to the events occurring on</p> <p>2 April 5th than we sit here today almost two years</p> <p>3 later, correct?</p> <p>4 A Yes.</p> <p>5 Q Is it -- would it be fair to say, then, that you</p> <p>6 have a specific memory of all the details of the</p> <p>7 interview that you conducted with Shane Heiser and</p> <p>8 Michael Reimer on June 2nd, 2021?</p> <p>9 A No.</p> <p>10 Q Do you have any reason to discount or disavow</p> <p>11 anything that's stated in their summary of the</p> <p>12 information provided to you, or provided by you as</p> <p>13 they reflect in this statement?</p> <p>14 A With the qualification that I previously testified</p> <p>15 to, and it's a summary, I don't have any reason to</p> <p>16 disavow the summary.</p> <p>17 Q And I guess I like to be clear, because I know</p> <p>18 there's been similar confusion. There has been</p> <p>19 testimony that there was at least two phone calls</p> <p>20 with you on April 5th with Eric Krause, at least</p> <p>21 two?</p> <p>22 A Yes.</p> <p>23 Q Would you agree that there were at least two phone</p> <p>24 calls, correct?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 83</p> <p>1 (Off-the-record for technical issues.)</p> <p>2 BY MR. ROMAN:</p> <p>3 Q So I guess what I'm just broadly stating here,</p> <p>4 would you agree with me that the information</p> <p>5 contained in this report that is an interview of</p> <p>6 you conducted by Officers or Special Agent Shane</p> <p>7 Heiser and Michael Reimer, is intended to be an</p> <p>8 accurate summary of the information that was</p> <p>9 provided by you during the course of the interview</p> <p>10 that you had with them on June 2nd, 2021?</p> <p>11 A I agree that it is intended to be.</p> <p>12 Q And if -- if we get into various paragraphs, for</p> <p>13 instance, one, two, three, four, the fifth</p> <p>14 paragraph down, it indicates, "ADA Runde recalled</p> <p>15 Officer Krause making the statement, quote, I found</p> <p>16 out about this today and now I'm calling you, end</p> <p>17 quoted, or, quote. This was handed to me today,</p> <p>18 now I'm calling you." Do you remember providing</p> <p>19 that information to Officer Heiser, or Special</p> <p>20 Agent Heiser?</p> <p>21 A I don't recall specifically saying that, but I do</p> <p>22 recall that -- that generally occurring, yes, that</p> <p>23 Officer Krause made some statement to that effect</p> <p>24 to me, yes.</p> <p>25 Q Is it fair to say that this interview on June 2nd,</p>	<p style="text-align: right;">Page 85</p> <p>1 Q And the first one, if I'm understanding exactly how</p> <p>2 it came in, it sounds like Officer Krause contacted</p> <p>3 the Marathon County District Attorney's Office,</p> <p>4 your understanding was he wasn't asking to speak</p> <p>5 directly with you, correct?</p> <p>6 A I don't believe he was.</p> <p>7 Q And then the fifth paragraph also says, "ADA Runde</p> <p>8 contacted Officer Krause." Do you recall returning</p> <p>9 a call to Officer Krause?</p> <p>10 A My recollection is that is how that occurred, yes.</p> <p>11 Q So the -- at least the first call, if we talk</p> <p>12 between you and Officer Krause, you were returning</p> <p>13 a phone call of somebody at the DA's office to call</p> <p>14 him back?</p> <p>15 A Yes.</p> <p>16 Q And do you know how you were assigned that phone</p> <p>17 call?</p> <p>18 A My recollection is that I volunteered.</p> <p>19 Q And what's your recollection specifically, if you</p> <p>20 can remember?</p> <p>21 A My recollection is based off generally what would</p> <p>22 occur. And generally there's an office-wide e-mail</p> <p>23 to the attorneys that says this officer is looking</p> <p>24 for a callback. The expectation was, and probably</p> <p>25 still is, is that if you had time in your day, that</p>

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<p style="text-align: right;">Page 86</p> <p>1 you are to call that officer back. At that moment</p> <p>2 I had time, if I recall correctly, and I said I</p> <p>3 will call him back.</p> <p>4 Q So as far as you can recall, there wasn't any</p> <p>5 reference in the call relating to your specialty,</p> <p>6 that that's why you would have jumped at it, or</p> <p>7 volunteered, excuse me?</p> <p>8 A I would only be speculating if I said that there</p> <p>9 was a specific reference.</p> <p>10 Q Okay. And I think you've testified that you went</p> <p>11 through, he provided you information about his</p> <p>12 investigation of an incident, but you don't recall</p> <p>13 how that communication ended, correct?</p> <p>14 A Not with a hundred percent certainty, no.</p> <p>15 Q At some point later do you recall a second call</p> <p>16 with Officer Krause?</p> <p>17 A Yes.</p> <p>18 Q And do you remember if you called him?</p> <p>19 A I believe I called him.</p> <p>20 Q And how long after the first call ended, if you can</p> <p>21 recall, did you contact him?</p> <p>22 A It was a relatively short period of time. I would</p> <p>23 estimate between 15 and 30 minutes.</p> <p>24 Q And I think you testified that during that time,</p> <p>25 you at least talked to someone else, I believe in</p>	<p style="text-align: right;">Page 88</p> <p>1 was the purpose of this communication just to make</p> <p>2 sure the District Attorney's office was on the</p> <p>3 right page of this is the information when you have</p> <p>4 an officer calling in requesting or providing, that</p> <p>5 you wanted to make sure that you were providing</p> <p>6 accurate information to them?</p> <p>7 MS. CARSON: That's okay.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. ROMAN:</p> <p>10 Q And after your communications with the district</p> <p>11 attorney, you had this second communication and</p> <p>12 again communicated with Officer Krause about what</p> <p>13 your thoughts were, correct?</p> <p>14 A Yes.</p> <p>15 Q Presumably if you had any questions or concerns at</p> <p>16 that point, you would have -- generally could have</p> <p>17 asked for additional information or something of</p> <p>18 that nature, correct?</p> <p>19 A Generally, yes, if I believed there was some piece</p> <p>20 of information that may affect the analysis, I may</p> <p>21 ask if that information was available.</p> <p>22 Q And as far as you can recall, you didn't do that,</p> <p>23 correct?</p> <p>24 A I believe I asked if there were witnesses, and</p> <p>25 Officer Krause informed me that there were.</p>
<p style="text-align: right;">Page 87</p> <p>1 the District Attorney's office, if you don't want</p> <p>2 to use the term second opinion, but to review with</p> <p>3 someone else, correct?</p> <p>4 A Correct.</p> <p>5 Q And, Counsel, I don't know if this is within the</p> <p>6 scope of the privilege or not, but do you recall,</p> <p>7 or can you identify who else you would have spoken</p> <p>8 to in the department about this communication?</p> <p>9 MS. CARSON: That's okay.</p> <p>10 THE WITNESS: I believe in that interim</p> <p>11 period, I believe I had a face-to-face discussion</p> <p>12 with District Attorney Wetzsteon about it.</p> <p>13 BY MR. ROMAN:</p> <p>14 Q And without conveying all the information,</p> <p>15 generally did you convey that an officer had</p> <p>16 conveyed information to you and you were discussing</p> <p>17 that with her?</p> <p>18 A Yes. And I -- if -- to my recollection, Deputy DA</p> <p>19 Molly Lawrence was also involved with that</p> <p>20 conversation.</p> <p>21 Q And you said this was a face-to-face, so it was</p> <p>22 somewhere in the District Attorney's office?</p> <p>23 A I believe it was in District Attorney Wetzsteon's</p> <p>24 office.</p> <p>25 Q And, again, I don't want to get into privilege, but</p>	<p style="text-align: right;">Page 89</p> <p>1 Q Now, I think all the parties have agreed that</p> <p>2 Officer Krause and one other, or at least the</p> <p>3 records reflect that Officer Krause and one other</p> <p>4 officer arrested Ms. Mathis at her home, I'll say</p> <p>5 relatively soon after the communications with your</p> <p>6 office. The report also references, when I say</p> <p>7 report, the bottom of the paragraph, the second</p> <p>8 paragraph, it indicates, "On April 5th, 2021, ADA</p> <p>9 Runde called Officer Krause to inquire whether</p> <p>10 interviews at Child Advocacy Center," et cetera.</p> <p>11 You had indicated in your testimony that</p> <p>12 you believe you texted him. Is it possible you had</p> <p>13 another phone call, or do you think any -- does</p> <p>14 this refresh your recollection at all whether it</p> <p>15 was a phone call, or whether it was a text?</p> <p>16 MS. CARSON: Could I just clarify?</p> <p>17 You're looking at Exhibit 90, correct?</p> <p>18 MR. ROMAN: Yes, sorry. Thank you,</p> <p>19 Counsel.</p> <p>20 THE WITNESS: As I sit here today, my</p> <p>21 recollection is that it was a text message, but it</p> <p>22 may have been a phone call.</p> <p>23 BY MR. ROMAN:</p> <p>24 Q Bear with me, I'm trying to see if I have another</p> <p>25 exhibit. Do you have any recollection of the first</p>

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<p style="text-align: right;">Page 90</p> <p>1 involvement you had, if any, with this case between</p> <p>2 the time after the arrest had been completed and</p> <p>3 Ms. Mathis, excuse me, was in custody, and the</p> <p>4 criminal complaint was drafted?</p> <p>5 MS. CARSON: Can I just, you asked if he</p> <p>6 had any communications, if he had communications</p> <p>7 between April 5th and the time the complaint was</p> <p>8 drafted, which was Exhibit 88, maybe?</p> <p>9 MR. ROMAN: Right.</p> <p>10 BY MR. ROMAN:</p> <p>11 Q Other than what you've conveyed about the -- the</p> <p>12 follow-up interview with the Child Advocacy Center,</p> <p>13 between that time and the time of the criminal</p> <p>14 complaint, do you recall ever speaking to Officer</p> <p>15 Krause? Not necessarily the substance, but do you</p> <p>16 recall ever speaking to him?</p> <p>17 A Based on my review of the materials in preparation</p> <p>18 for today, I know there was e-mails that I was</p> <p>19 included in or involved with with Officer Krause.</p> <p>20 I don't -- outside of those e-mails, I don't recall</p> <p>21 any specific communication I had with Officer</p> <p>22 Krause.</p> <p>23 Q Do you recall if you ever had any communications</p> <p>24 with Anita Lawrence, Molly, about any</p> <p>25 communications that she may have had with Officer</p>	<p style="text-align: right;">Page 92</p> <p>1 Q So at any point during the time period from the</p> <p>2 arrest time that the criminal complaint was drafted</p> <p>3 and filed in this case, and you being the -- at</p> <p>4 least the -- electronically signing the criminal</p> <p>5 complaint, did you have any reason to believe or</p> <p>6 have any concern that first degree sexual assault</p> <p>7 of a child was not supported by the evidence that</p> <p>8 you had been presented?</p> <p>9 A I did not have any concerns about that.</p> <p>10 Q And would it be fair to say that if you did have</p> <p>11 any concerns after reviewing the information</p> <p>12 provided by Officer Krause, written reports or any</p> <p>13 other information that you reviewed, you could have</p> <p>14 followed up or the office could have followed up,</p> <p>15 correct?</p> <p>16 A Yes.</p> <p>17 Q Now, Officer Krause didn't sign the criminal</p> <p>18 complaint, correct?</p> <p>19 A Correct.</p> <p>20 Q And would it be fair to say he had no involvement</p> <p>21 in determining what if any portions of his</p> <p>22 investigation would be included in a criminal</p> <p>23 complaint that was eventually filed, correct?</p> <p>24 For instance, I guess more specifically,</p> <p>25 you have no reason to believe that Officer Krause</p>
<p style="text-align: right;">Page 91</p> <p>1 Krause around the time of the bond hearing?</p> <p>2 A I do not recall any of those communications.</p> <p>3 Q Does that mean you just don't recall, or?</p> <p>4 A Correct, I don't recall if they occurred. And if</p> <p>5 they did occur, I don't recall the substance.</p> <p>6 Q Thank you. Now, is it fair to say you don't have a</p> <p>7 specific recollection of drafting the criminal</p> <p>8 complaint that we marked as Exhibit 89, I believe?</p> <p>9 A Correct. And my recollection is that Attorney</p> <p>10 Lawrence drafted the complaint, and that I reviewed</p> <p>11 it as co-counsel.</p> <p>12 Q Well, let me ask you again, it's a fair summary</p> <p>13 that it appears that a portion of the investigation</p> <p>14 filed by Officer Krause was included in the</p> <p>15 complaint, correct?</p> <p>16 A Yes.</p> <p>17 Q So would it be a fair assumption by that time -- by</p> <p>18 the time the criminal complaint was drafted, the</p> <p>19 DA's office had already received the criminal</p> <p>20 investigation report from Officer Krause, correct?</p> <p>21 A That is fair to say, yes.</p> <p>22 Q And we're talking the arrest was on April 5th, it</p> <p>23 looks like the criminal complaint would have been</p> <p>24 filed on April 23rd, correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">Page 93</p> <p>1 was involved with choosing what portions of the</p> <p>2 report were included in the criminal complaint,</p> <p>3 correct?</p> <p>4 A Correct.</p> <p>5 Q And did you communicate with Officer -- or, excuse</p> <p>6 me, is it Officer Hagenbucher, or is it -- what is</p> <p>7 his full title?</p> <p>8 A I believe his title is special investigator. He's</p> <p>9 a retired captain of the Wausau Police Department.</p> <p>10 So he was referred to as Officer Hagenbucher, or</p> <p>11 Investigator Hagenbucher, many iterations of that.</p> <p>12 Q And do you have any information and knowledge</p> <p>13 whether Officer Hagenbucher ever communicated or</p> <p>14 contacted Officer Krause if he had any questions or</p> <p>15 concerns regarding information that he was going to</p> <p>16 swear to in a criminal complaint?</p> <p>17 A I have no information about that.</p> <p>18 Q Based on your past experience working with Officer</p> <p>19 Hagenbucher, have you been involved with other</p> <p>20 types of criminal -- let's get more specific,</p> <p>21 sexual assault-type charges where he would have</p> <p>22 been the complaining witness?</p> <p>23 A Ah, yeah, I've been involved with other sexual</p> <p>24 assault cases, and Officer Hagenbucher.</p> <p>25 Q And based on your experience in the past with him,</p>

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<p style="text-align: right;">Page 94</p> <p>1 do you have any doubt that if he had any concerns</p> <p>2 about information that was being provided in the</p> <p>3 investigation report or the investigation as a</p> <p>4 whole, that if he had any concerns, that he could</p> <p>5 have reached out to Officer Krause for follow-up</p> <p>6 information if he had any questions?</p> <p>7 A I don't believe there would be any reason why</p> <p>8 Officer Hagenbucher would fail to do that if he did</p> <p>9 have concerns.</p> <p>10 Q Now, without going into any strategy or any issues</p> <p>11 like this, I just want to be clear that Officer</p> <p>12 Krause did not testify in any proceeding in the</p> <p>13 criminal prosecution of Christy Mathis, correct?</p> <p>14 A Correct.</p> <p>15 Q So he didn't testify in the bond hearing for any</p> <p>16 reason, correct?</p> <p>17 A Not to my knowledge, I believe that's correct.</p> <p>18 Q And we've got the transcript marked, I think the</p> <p>19 only person who testified in that preliminary</p> <p>20 hearing was Officer Hagenbucher, correct?</p> <p>21 A Yes.</p> <p>22 Q So is it fair to say that once the criminal</p> <p>23 prosecution went forward, that Officer Krause's</p> <p>24 actual role in this case, as it played out, sort of</p> <p>25 ended with his investigation? Meaning he didn't</p>	<p style="text-align: right;">Page 96</p> <p>1 specific restrictions that may have been placed on</p> <p>2 Christy Mathis in the context of the bond hearing,</p> <p>3 meaning he didn't testify as to anything, correct?</p> <p>4 That's a decision or request that comes from the</p> <p>5 District Attorney's office?</p> <p>6 MS. HENDRA: I'll object just as a</p> <p>7 compound question.</p> <p>8 MR. ROMAN: Sure, let me step back.</p> <p>9 BY MR. ROMAN:</p> <p>10 Q Did Officer Krause, to your knowledge, have any</p> <p>11 involvement in deciding what conditions of bond</p> <p>12 would be placed on Christy Mathis at her bond</p> <p>13 hearing?</p> <p>14 A My recollection, Officer Krause had no involvement</p> <p>15 in the recommendations made to the Court for the</p> <p>16 bond of Christy Mathis, nor in the decision of what</p> <p>17 conditions would be placed on Christy Mathis with</p> <p>18 her bond.</p> <p>19 Q Thank you. That's all I have.</p> <p>20 MS. HENDRA: All right, Emilia, do you</p> <p>21 have anything? And then I'm just going to have a</p> <p>22 couple things after Emilia, and then I'm more than</p> <p>23 done.</p> <p>24 MS. JANISCH: Sorry, my mouse froze up</p> <p>25 and I couldn't get the unmute button to work. I</p>
<p style="text-align: right;">Page 95</p> <p>1 testify, he didn't file any documents with the</p> <p>2 Court, he didn't do anything of that nature,</p> <p>3 correct?</p> <p>4 A I believe that's correct.</p> <p>5 Q And I think you indicated ultimately it's the</p> <p>6 District Attorney's office to decide what charges</p> <p>7 to file and/or how to prosecute a case, correct?</p> <p>8 A Correct.</p> <p>9 Q At that point an investigating officer is a</p> <p>10 potential witness, but they're not actively part of</p> <p>11 the prosecution unless requested to be so by the</p> <p>12 district attorney, correct?</p> <p>13 A Correct. That is a fine line, but generally they</p> <p>14 would be involved at our request.</p> <p>15 Q And is it fair to say that Officer Krause would not</p> <p>16 have had any involvement in this matter once Judge</p> <p>17 Moran issued a ruling dismissing without prejudice</p> <p>18 the criminal complaint that your office had filed,</p> <p>19 correct? Meaning he wasn't involved, I guess what</p> <p>20 I'm getting at, any decision whether another charge</p> <p>21 could be filed or -- or anything of that nature,</p> <p>22 correct?</p> <p>23 A Not that I recall.</p> <p>24 Q And would it be fair to say that Officer Krause</p> <p>25 wouldn't have had any involvement of requesting any</p>	<p style="text-align: right;">Page 97</p> <p>1 have no questions for you, Attorney Runde.</p> <p>2 MS. HENDRA: I just have a couple</p> <p>3 follow-up questions.</p> <p>4 EXAMINATION</p> <p>5 BY MS. HENDRA:</p> <p>6 Q So, Attorney Runde, we've spent some time today</p> <p>7 talking about the two telephone conversations you</p> <p>8 had with Officer Krause on April 5th of 2021 prior</p> <p>9 to the arrest being made, correct?</p> <p>10 A Correct.</p> <p>11 Q And you testified that you spoke with Officer</p> <p>12 Krause during that first phone call, and at that</p> <p>13 time he presented you with information that led you</p> <p>14 to determine that there was probable cause to</p> <p>15 arrest Ms. Mathis for first degree sexual assault</p> <p>16 of a minor under age 13, correct?</p> <p>17 A He did provide me information that led me to</p> <p>18 conclude that there was sufficient information to</p> <p>19 meet the standard of probable cause for an arrest</p> <p>20 to occur on a charge of first degree sexual assault</p> <p>21 of a child under the age of 13. I do not know if</p> <p>22 that occurred during the first phone call, though.</p> <p>23 Q Okay. So you're saying that could have occurred on</p> <p>24 the second call that took place prior to the</p> <p>25 arrest, right?</p>

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<p style="text-align: right;">Page 98</p> <p>1 A Correct.</p> <p>2 Q Okay. So during one of those two calls. And at</p> <p>3 that time, whether it was the first call or the</p> <p>4 second call, was the only information that you were</p> <p>5 presented, information that -- was the only</p> <p>6 information that you were presented during one of</p> <p>7 those two phone calls from Officer Krause?</p> <p>8 A To my recollection, in the first phone call, I</p> <p>9 believe the middle school principal was in the room</p> <p>10 with Officer Krause, and was assisting Officer</p> <p>11 Krause in relaying me the information.</p> <p>12 Q Okay. And if I told you -- well, if I asked you if</p> <p>13 that middle school principal's name was Brad --</p> <p>14 Bradley Grube, would that ring a bell to you?</p> <p>15 A I believe that was his name.</p> <p>16 Q Okay. Do you recall the extent of Mr. Grube's</p> <p>17 involvement in relaying the information to you with</p> <p>18 Officer Krause during that first phone call on</p> <p>19 April 5th?</p> <p>20 A I believe it was quite minimal. I believe, to my</p> <p>21 recollection, he was simply confirming information</p> <p>22 that Officer Krause was telling me.</p> <p>23 Q Okay. So would it be fair to say that during that</p> <p>24 first phone call, the only information that you had</p> <p>25 with regards to Ms. Mathis and the -- excuse me --</p>	<p style="text-align: right;">Page 100</p> <p>1 BY MS. HENDRA:</p> <p>2 Q Yes, the people -- the only two individuals that</p> <p>3 you were presented information with during those</p> <p>4 two telephone calls was Officer Krause with the</p> <p>5 minimal assistance of Principal Grube, and Officer</p> <p>6 Krause during that second phone call, true?</p> <p>7 A True.</p> <p>8 Q So no other individual presented you with any</p> <p>9 information during any -- either of those two phone</p> <p>10 calls or any other period of time prior to the</p> <p>11 arrest taking place on April 5th of 2011?</p> <p>12 A Not to my recollection.</p> <p>13 MS. CARSON: Can I clarify? Factual</p> <p>14 information about the allegations?</p> <p>15 MS. HENDRA: That's exactly what I'm</p> <p>16 asking, yes.</p> <p>17 THE WITNESS: Not to my recollection.</p> <p>18 BY MS. HENDRA:</p> <p>19 Q Okay. And you testified that on -- during those</p> <p>20 two telephone calls with Officer Krause prior to</p> <p>21 the arrest being made, you had the ability to ask</p> <p>22 for additional information or request -- or, excuse</p> <p>23 me, ask for additional information or ask any sort</p> <p>24 of follow-up questions, correct?</p> <p>25 A I had that opportunity.</p>
<p style="text-align: right;">Page 99</p> <p>1 inappropriate touching incident that occurred at</p> <p>2 the middle school, was presented to you by Officer</p> <p>3 Krause with the assistance of Principal Grube; is</p> <p>4 that true?</p> <p>5 A Yes, I believe that is accurate.</p> <p>6 Q Okay. And then as for the second phone call, was</p> <p>7 the only information that you had at your disposal</p> <p>8 prior to the arrest being made information that was</p> <p>9 presented to you by Officer Krause?</p> <p>10 A To my recollection, yes. The second phone call was</p> <p>11 only with Officer Krause.</p> <p>12 Q Okay. So would it be accurate to say that prior to</p> <p>13 the arrest taking place, the information that you</p> <p>14 had at your disposal was provided by Officer Krause</p> <p>15 with the very minimal input of -- or, excuse me,</p> <p>16 involvement of Principal Grube, correct?</p> <p>17 A Yes.</p> <p>18 Q So you didn't consider information from any</p> <p>19 individual other than Officer Krause and Principal</p> <p>20 Grube, true?</p> <p>21 MR. ROMAN: I'll object to form. You</p> <p>22 mean information from any person other than what</p> <p>23 was reflected in what they were telling him, but</p> <p>24 you mean first-hand sources?</p> <p>25</p>	<p style="text-align: right;">Page 101</p> <p>1 Q Can you explain to me why you did not request</p> <p>2 additional information or ask any follow-up</p> <p>3 questions prior to the arrest being made?</p> <p>4 A I don't know if I testified that I did not ask for</p> <p>5 any follow-up questions.</p> <p>6 Q Okay. And I apologize if I'm mischaracterizing</p> <p>7 what you said. Do you know if you did ask any</p> <p>8 follow-up questions or request any additional</p> <p>9 information from Officer Krause prior to the arrest</p> <p>10 being made?</p> <p>11 A In the -- in the course of the two conversations</p> <p>12 with Officer Krause, I wasn't simply receiving</p> <p>13 information. I would be asking -- I believe I</p> <p>14 asked questions, could you describe the touch that</p> <p>15 has been alleged, can you describe where that touch</p> <p>16 occurred, how long that touch occurred. Asking for</p> <p>17 the required information to make a determination of</p> <p>18 whether probable cause existed. I did ask those</p> <p>19 questions. The information that was provided to me</p> <p>20 by Officer Krause was sufficient for me to make a</p> <p>21 determination. So I did, outside of that, I did</p> <p>22 not ask for documentation or other types of</p> <p>23 evidence.</p> <p>24 Q Okay. So then you would say at that point your</p> <p>25 analysis as to whether there was probable cause to</p>

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<p>1 support a finding of first degree sexual assault of 2 a minor under the age of 13 was present, correct? 3 A Yes. 4 Q Okay. That's all I've got. 5 MS. ZELLNER: I don't have any 6 additional. 7 MR. ROMAN: I'm good, thank you. 8 MS. HENDRA: Emilia, do you have anything 9 now, or you're good? 10 MS. JANISCH: I'm good. 11 MS. HENDRA: All right. Attorney Carson, 12 anything? 13 MS. CARSON: No, thank you. 14 MR. ROMAN: Off the record for a second. 15 (Off-the-record discussion held.) 16 THE COURT REPORTER: Transcript orders? 17 MS. HENDRA: Condensed, electronic only 18 with exhibits. 19 MR. ROMAN: I'll take a condensed PDF. 20 MS. ZELLNER: Just electronic. 21 MS. JANISCH: Electronic only condensed. 22 MS. CARSON: Electronic only condensed 23 with exhibits. 24 (Deposition concluded at 12:43 p.m.) 25</p>	<p>Page 102</p>
<p>1 STATE OF WISCONSIN) 2) SS: 3 COUNTY OF WAUKESHA) 4 I, Wendy L. Hanneman, Registered 5 Professional Reporter and Notary Public in and for the 6 State of Wisconsin, do hereby certify that prior to 7 being examined, the witness in the foregoing proceedings 8 was by me duly sworn to testify to the truth, the whole 9 truth, and nothing but the truth. 10 I further certify that said deposition was 11 taken remotely at the time and places therein set forth 12 and were taken down by me in shorthand and thereafter 13 transcribed into typewriting under my direction and 14 supervision, on the 27th day of February 2023, 15 commencing at 9:15 a.m. and concluding at 12:43 p.m. 16 I further certify that I am not a relative 17 or employee or attorney or counsel of any of the 18 parties, or a relative or employee of such attorney or 19 counsel, or financially interested directly or 20 indirectly in this action. 21 In witness whereof, I have hereunto set my 22 hand and affixed my seal of office at Mukwonago, 23 Wisconsin, this 14th day of March, 2023. 24 Wendy L. Hanneman - Notary Public 25 In and for the State of Wisconsin <i>Wendy Hanneman</i> My Commission Expires: October 9, 2025.</p>	<p>Page 103</p>

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